

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

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UNIVERSAL INSTRUMENTS	:	
CORPORATION,	:	
	:	
Plaintiff,	:	Case No. 3:13-cv-831 (GLS/DEP)
v.	:	
	:	
	:	
MICRO SYSTEMS ENGINEERING,	:	<u>DECLARATION OF THOMAS C. WHITE</u>
INC., and MISSOURI TOOLING &	:	
AUTOMATION,	:	
	:	
Defendants.	:	
	:	
	:	
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I, THOMAS C. WHITE, hereby declare as follows:

1. I am a member of the Bar of the State of New York, and was admitted *pro hac vice* in this action in 2017. I am a partner of Sullivan & Cromwell LLP (“Sullivan & Cromwell,” “S&C,” or the “Firm”), counsel for defendant Micro Systems Engineering, Inc. (“MSEI”) in the above-captioned action.

2. I submit this Declaration in support of Defendants’ Application For Attorneys’ Fees Pursuant to This Court’s February 7, 2018 Order. (Dkt. No. 421.)

3. On or around March 15, 2017, Biotronik, Inc. (“Biotronik”) engaged Sullivan & Cromwell to represent its affiliate MSEI in the above-captioned action. Since that time, the Firm has represented MSEI in this action, and has defended against the claims asserted by Universal Instruments Corporation (“Universal”), including at the trial before a jury that commenced in this Court on July 31, 2017.

4. David B. Tulchin, who has been with S&C since 1975 and was a partner of the Firm for more than 30 years (and is now Of Counsel to the Firm) was the lead trial lawyer, and he and I together supervised a team of three additional S&C lawyers and other support staff. Mr. Tulchin and I moved for admission *pro hac vice* in this action on March 30, 2017 and we were so admitted on April 5, 2017. (Dkt. Nos. 240, 242, 251.)

**I. The Work Performed By Sullivan & Cromwell**

5. The Court deemed this action “trial ready” in its Summary Judgment Order, dated February 24, 2017. (Dkt. No. 228 at 37.) On March 23, 2017, the Court set a July 31, 2017 trial date. (Dkt. No. 234.) Although MSEI’s prior counsel—Kolisch, Hartwell P.C. (“Kolisch Hartwell”)—did not formally withdraw as counsel of record, at the client’s request S&C assumed responsibility for MSEI’s defense beginning in March 2017, and Kolisch Hartwell only had very limited responsibilities thereafter. Defendants are not seeking, through this Application, reimbursement for any Kolisch Hartwell fees after February 28, 2017.

6. Biotronik retained S&C in part because its affiliate MSEI needed trial counsel who had sufficient experience in intellectual property matters and the resources and skill necessary to prepare quickly for a jury trial that was about four months away. Universal was seeking a “staggering” amount of damages (as shown immediately below) and a permanent injunction against MSEI’s use of its second and third test handling systems. (*See* Dkt. No. 103 at 43.) Biotronik turned principally to David Tulchin of Sullivan & Cromwell, who has tried more than 30 business cases to verdict, many of which involved complex intellectual property issues, and has a long record of success at trial. (*See also* ¶¶ 27-30, *infra*.)

7. At the time of S&C’s retention, Universal was claiming that it was entitled to an enormous damages award. In May 2016, Universal’s damages expert, Scott Hampton, initially

opined that Universal suffered \$3.1 million in damages, based in significant part on the theory that Universal was entitled to recover MSEI's supposed labor savings. (*See* Dkt. No. 321 (setting out the history of Mr. Hampton's reports).) But about a month later, on June 30, 2016, Mr. Hampton submitted a second report, in which he added calculations for "future" damages, which brought the total damages sought by Universal up to \$5.93 million. (*Id.*) There was much more to come. Indeed, in August 2016, Mr. Hampton submitted a purported "rebuttal" report, which ratcheted the purported damages up to \$22 million, supposedly the amount of MSEI's company-wide profits over a five-year period that were attributable to the claimed infringement. (*Id.*)

8. At his deposition on August 26, 2016, Mr. Hampton went even further, asserting that the "appropriate damage number" in this case was \$418 million, the amount of MSEI's total revenue from its allegedly "infringing" sales over the course of five years. (8/26/16 Hampton Deposition at 161:16-162:4.)

9. Prior to March 2017, defendants were jointly represented in this action by Kolisch Hartwell. After the Court's February 2017 decision on the parties' summary judgment motions, Missouri Tooling & Automation ("MTA") retained separate counsel, Howard Kaplan of Kaplan Rice LLP. Mr. Kaplan has been practicing law for almost three decades and his firm focuses on complex business litigation, including trade secret and copyright cases.

10. MTA was facing different claims from those asserted against MSEI and had different defenses. Moreover, MTA's role in the alleged wrongdoing—as a supplier to MSEI for subsequent test handling systems, and a non-party to the original June 2007 MSEI-Universal contract—was distinct from MSEI and could be more effectively presented to the jury through separate counsel. Mr. Kaplan moved for admission *pro hac vice* to represent MTA on April 3,

2017. (Dkt. No. 245.) Accompanying this Declaration is a Declaration from Howard J. Kaplan, which sets forth some of the reasons for retaining separate trial counsel for the two defendants.

11. In addition, both defendants retained new local counsel, Andrew C. Rose of Nixon Peabody LLP, in Albany, New York. Mr. Rose has decades of litigation experience in the United States District Court for the Northern District of New York and from the time he was engaged through the end of trial (and beyond), provided valuable services and advice concerning defendants' pre-trial submissions and strategy, the customary practices in this District, and other matters.

12. Beginning in March 2017, the S&C team immediately began preparations for trial. These tasks included meeting with key MSEI witnesses; meetings with the Kolisch Hartwell lawyers; reviewing a substantial discovery record (which comprised over a million pages of documents and 41 depositions of 29 witnesses); and legal research into Universal's claims and MSEI's key trial defenses, including that the relevant statutes of limitations barred all of Universal's claims and that Universal's copyright infringement claims preempted its state law claims. These arguments were eventually adopted by this Court when it dismissed all of Universal's claims at the close of evidence at trial. (*See* Dkt. No. 396 at 4.)

13. On March 13, 2017, Universal filed a pre-motion letter seeking a conference with the Court concerning a "discovery issue relate[d] to damages" and seeking leave to file a motion to compel additional discovery allegedly relevant to Universal's claim to recovery of MSEI's company-wide profits. (Dkt. No. 231 at 1.) On April 14, 2017, Universal filed its motion to compel production of a significant number of additional documents related to MSEI's financial statements and three additional fact depositions. (Dkt. No. 256.) Sullivan & Cromwell prepared MSEI's opposition to Universal's motion, which was filed on April 24, 2017. (Dkt. No. 261.)



14. On May 2, 2017, Mr. Tulchin and I attended a hearing on Universal's motion before Chief Magistrate Judge Peebles in Syracuse, New York. Two days later, Judge Peebles denied Universal's motion because it was untimely and because the discovery sought by Universal was "not relevant to the claims and defenses remaining in this action." (Dkt. No. 273 at 2.) This May 4 decision was significant because it (i) avoided additional and burdensome discovery that Universal was seeking in the limited period prior to trial, and (ii) indicated that Universal should be foreclosed from recovering MSEI's company-wide profits as damages.

15. On May 18, 2017, Universal appealed Judge Peebles' May 4 decision. (Dkt. No. 284.) In support of its motion, Universal submitted a May 16, 2017 declaration from its damages expert, Mr. Hampton, claiming that the proper measure of damages was \$61.2 million (his latest calculation of the amount of MSEI's supposedly infringing profits). (Dkt. No. 284-20, 5/16/17 Hampton Declaration ¶ 25 & Ex. E.) Again, Sullivan & Cromwell prepared MSEI's opposition, which was filed on June 7, 2017. (Dkt. No. 296.) On June 27, 2017, this Court "resoundingly affirm[ed] Judge Peebles's well-reasoned May 4, 2017" decision. (Dkt. No. 303 at 2.)

16. After Universal's motion to compel was denied, Universal continued its aggressive litigation tactics, including by misinterpreting the Court's summary judgment decision to foreclose virtually all of MSEI and MTA's defenses. For example, on May 19, 2017, Universal sent defendants a list of 376 supposedly uncontested "facts," including that "Universal gave the source code to MSEI based on MSEI's promise 'that MSEI would protect Unovis IPs [and] ensure that no access to Unovis/Universal's competitors'"—which was patently untrue as shown by the evidence at trial. (*See* D-2 (Final Customer Acceptance).) After defendants rejected Universal's proposed fact stipulations, Universal requested a conference with the Court and called defendants

“recalcitrant[t]” for declining to agree to the fact stipulations. (*See* Dkt. No. 299 at 4.) This Court rejected Universal’s request for a conference and stated that “[i]f defendants will not agree with plaintiff that certain facts are not in dispute . . . it is their prerogative to do so.” (Dkt. No. 302.)

17. During the period March 2017 through July 2017, the S&C team was also preparing in earnest for trial. S&C lawyers continued to review the extensive record in this case to identify evidence that would become important at trial, such as the history of the ownership dispute between MSEI and Universal in 2007 and 2008 over the source code. At trial, this record showed that “there is no doubt that Universal provided its source code to MSEI either pursuant to the license in EPA § 8.2(d) . . . or unconditionally as memorialized in the Final Customer Acceptance letter (FCA), (D-2).” (Dkt. No. 396 at 4.)

18. In the period before trial, S&C lawyers also spent a significant amount of time preparing eight motions *in limine* on important issues such as the proper measure of damages in this action, which were filed on July 3, 2017. (Dkt. Nos. 312, 313, 314, 317, 318, 319, 321, 323.) S&C also prepared a Trial Brief (Dkt. No. 324) and other pre-trial submissions, and worked with counsel for MTA to prepare defendants’ trial exhibits and exhibit list. Further, S&C lawyers prepared responses to the seven motions *in limine* filed by Universal. (*See* Dkt. Nos. 350, 352, 353, 355, 356, 357, 359.)

19. On July 17, 2017, three S&C lawyers (Mr. Tulchin, Adam Brebner and I) attended the final pre-trial conference at which the Court addressed the parties’ motions *in limine*. Significantly, Universal had moved to preclude defendants from offering evidence in support of their core defenses at trial, including that MSEI owned the disputed source code or had a license to the code, based on Universal’s interpretation of the Court’s Summary Judgment Order. (Dkt. No. 316-12 at 1, 3.) At the final pre-trial conference, the Court denied all of Universal’s motions *in*

*limine* and stated that it was “absolutely shocked at Universal’s position with respect to the motion for summary judgment.” (Dkt. No. 378 at 9-10.)

20. In the same period in or around July 2017, S&C lawyers also engaged in extensive and time-consuming trial preparation work, including identifying trial exhibits, preparing demonstratives, designating and cross-designating depositions, drafting direct and cross-examination outlines, preparing witnesses and liaising with co-counsel on strategy and other trial preparation issues.

21. This Court is well aware of what transpired at the trial that commenced on July 31, 2017. After the testimony of 16 live witnesses (and the admission of 468 exhibits into evidence) the Court recognized that Universal’s case completely “collapse[d].” (Dkt. No. 396 at 5-6.) The testimony of “Universal’s own witnesses,” especially on cross-examination, was fatal to their claims; collectively, Universal’s senior executives and management admitted that “[t]hey transferred the [intellectual] property to [MSEI], and it was an effort to resolve the economic difficulties they [Universal] were having at the time of the transfer.” (8/7/17 PM Tr. 48:14-20.)

22. The “collapse” of Universal’s case was, in large measure, due to the admissions that were elicited by S&C lawyers on cross-examination. For example,

- Universal’s CFO, Keith O’Leary, and Francois Caudrillier (Universal’s project manager in charge of building the first handling system) both conceded on cross that the source code at issue was turned over to MSEI on October 31, 2008 pursuant to the Final Customer Acceptance (D-2), which did not “contain any limitation whatsoever on what MSEI could do with the source code.” (7/31/17 Tr. (O’Leary) 133:13-16; *see also* 8/2/17 PM Tr. (Caudrillier) 105:2-3.)
- Similarly, on cross-examination, Universal’s CEO, Jean-Luc Pelissier, admitted that Universal “willingly, voluntarily gave the source code” to MSEI on October 31, 2008. (8/1/17 Tr. (Pelissier) 177:6-13.)

- Mr. O’Leary and Bonnie Lundy (Universal’s manager of contracts and intellectual property) both admitted during cross-examination that they had no evidence that MTA used the source code for anything other than building MSEI’s subsequent THS lines. (7/31/17 Tr. (O’Leary) 124:16-19; 8/1/17 Tr. (Lundy) 86:15-25.)
- And most of Universal’s managers and executives admitted on cross that they were personally aware that MSEI believed that it owned the source code well before the July 15, 2010 statute of limitations cut-off date. (7/31/17 Tr. (O’Leary) 100:11-22; 8/1/17 Tr. (Lundy) 108:6-23; 8/2/17 PM Tr. (Caudrillier) 106:4-23; 8/3/17 AM Tr. (Ford) 102:13-20.)

23. During trial, Sullivan & Cromwell attorneys worked diligently to ensure that defendants’ presentation of the evidence was clear and efficient. Importantly, Mr. Tulchin and the rest of the S&C team also prepared MSEI’s two Rule 50 briefs setting out the reasons Universal had failed to prove its case at trial and was deficient as a matter of law. (Dkt. Nos. 391, 393.)

24. On August 7, 2017, at the close of all the evidence, this Court granted defendants’ Rule 50 motions and dismissed all of Universal’s claims. (*See* Dkt. No. 396.) In doing so, this Court “adopt[ed]” all of the arguments “advanced by MSEI . . . to support [its] Rule 50 motion[.]” (Dkt. No. 396 at 7.) Sullivan & Cromwell thus was able to achieve a resounding trial victory for its client.

25. As set forth in the accompanying Declaration of Andrew C. Rose, who was local counsel for defendants beginning in March 2017, “few firms, if any, in this District . . . have the depth of knowledge in the complex legal and technical issues that this case presented, combined with the proven trial experience and supporting bench strength required to achieve the exceptional result obtained through the tireless, nearly all-consuming effort expended by Sullivan & Cromwell.”

26. I am attaching hereto as Exhibit A a spreadsheet that is derived from S&C’s internal timekeeping system used by timekeepers to log time to this matter from March 2017 through August 31, 2017. The spreadsheet shows: (i) the S&C professionals who worked on the

tasks performed; (ii) a description of each task performed as contemporaneously recorded in S&C's timekeeping system by the persons who performed the tasks; and (iii) the hours each S&C professional worked on the tasks performed.<sup>1</sup> Some of the entries have been redacted, as indicated by "PRIVILEGE REDACTED," to protect the attorney-client privilege or attorney work product.

**A. The Sullivan & Cromwell Personnel Who Worked on this Case**

**a. David B. Tulchin**

27. Mr. Tulchin is Of Counsel to Sullivan & Cromwell and has more than 40 years' experience as a trial lawyer. Mr. Tulchin received a Bachelor of Arts degree from the University of Rochester in 1970 and graduated from Harvard Law School with a J.D. in 1973. After clerking for a federal district judge, he joined Sullivan & Cromwell in September 1975, and has been practicing law at S&C ever since. Mr. Tulchin became a partner of the Firm in October 1982 and remained a partner until January 1, 2015, when he became Of Counsel.

28. Mr. Tulchin's practice has focused primarily on complex, high-stakes commercial litigation in federal and state courts. He has tried more than 30 cases to verdict, and has achieved many victories at trial and otherwise. Many of these cases involved intellectual property claims and/or defenses. For example, he was the lead national counsel for Microsoft in dozens of private antitrust and other actions, such as an action brought by Novell against Microsoft in which Novell sought about \$4 billion in damages and that was tried before a jury in federal court in Utah. Microsoft prevailed in that case; Novell recovered nothing; and the decision was affirmed by the United States Court of Appeals for the Tenth Circuit. Mr. Tulchin has represented a number of

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<sup>1</sup> In addition, an "Effective Hours" column has been added to Exhibit A reflecting reductions for travel time (50%); time logged to the *MSEI v. Universal* appeal; and the pending appeal in this action. Hours logged by S&C summer associates have been excluded entirely from Exhibit A. (See ¶ 40, *infra*.)

other clients in intellectual property matters, including the pharmaceutical firms Novo Nordisk, Inc. and Eisai Co., Ltd.

29. Mr. Tulchin is a Fellow of the American College of Trial Lawyers, and has been recognized for many years as one of the top trial lawyers in business cases in the country. He has been included in *The Best Lawyers in America* for many years and as a leading lawyer in Commercial Litigation and Litigation-Antitrust. He has also been counted among the *New York Super Lawyers* for a number of years and was twice named “Litigator of the Week” by *The American Lawyer*.

30. In the relevant period in 2017, Mr. Tulchin’s effective hourly rate (as explained below) was \$1,445 and he logged a total of 654.25 hours to this matter. As set out more fully below, in this matter Sullivan & Cromwell did not usually bill at its full hourly rates. In this Application, MSEI is seeking reimbursement only of the amounts that were actually paid to its law firms, not for the theoretical hourly rates that (if used uniformly) would have amounted to higher fees. As also shown below, many courts have concluded that S&C’s hourly rates are reasonable, and in appropriate cases, a valid basis for a fee award. (See ¶¶ 46-52, *infra*.)

**b. Other S&C Lawyers on the Trial Team**

31. The other S&C lawyers who logged significant hours to this matter were me, Adam R. Brebner, Anuja D. Thatte and Jacob B. Lieberman. Set out below is a brief summary of each attorney’s qualifications, tasks completed on the matter, and hours logged.

32. I joined Sullivan & Cromwell’s Litigation Group in September 2008 and I have been practicing at the Firm ever since. I became a partner in January 2017. I graduated from Dartmouth College with a Bachelor of Arts in 2004 and from Yale Law School with a J.D. in 2007, and was admitted to the Bar of the State of New York in 2008. I was admitted to practice in the

United States District Courts for the Southern and Eastern Districts of New York in 2009, and was admitted to practice before the United States Court of Appeals for the Second Circuit in 2012. My practice focuses on representation of businesses in complex litigation matters before federal and state courts. In this case, I was involved in all aspects of the litigation, as set out in detail in the contemporaneous billing records attached as Exhibit A. I also advised the client on high-level strategic issues alongside Mr. Tulchin. At trial, I presented MSEI's Opening Statement, examined four witnesses, and presented oral argument. My effective hourly rate (*see* ¶¶ 40-43, *infra*) in the relevant period in 2017 was \$978, and I logged 943.25 hours to this matter during that period.

33. Adam R. Brebner joined Sullivan & Cromwell in 2000 and has been Special Counsel since 2010. Mr. Brebner graduated with a Bachelor of Arts from Concordia College in 1995 and from Dalhousie University Schulich School of Law with an LL.B. in 1998. He was admitted to the Bar of the State of New York in 2000. Mr. Brebner was admitted to practice in the United States District Courts for the Southern and Eastern Districts of New York in 2002, and to the United States Courts of Appeals for the Second and Federal Circuits in 2005 and the Fifth Circuit in 2008. His practice focuses on the representation of technology companies, financial institutions, and other entities before federal and state courts, primarily in intellectual property and commercial matters. He has extensive trial experience, which includes trials in federal district courts, state courts and before the International Trade Commission. On July 14, 2017, Mr. Brebner sought admission *pro hac vice* to represent MSEI in this matter and he was so admitted on July 17, 2017. (Dkt. Nos. 373, 375.) Mr. Brebner was responsible for drafting all or portions of various legal memoranda in this action, including MSEI's opposition to Universal's pre-trial motion to compel. He also worked closely with MSEI's technical expert, Timothy Rickard, and cross-examined four witnesses at trial (including both of Universal's software experts). In the relevant period (March

2017 through August 2017) Mr. Brebner's effective hourly rate (*see* ¶¶ 40-43, *infra*) was \$1,041 and he logged 602 hours to this matter.

34. Anuja D. Thatte graduated with a Bachelor of Science from Cornell University in 2011 and from Stanford Law School with a J.D. in 2014. She was admitted to the Bar of the State of New York in 2015 and was admitted to practice in the United States District Court for the Southern District of New York in 2016. Ms. Thatte joined Sullivan & Cromwell in September 2014, left the Firm in July 2015 to clerk for a federal judge (Hon. Shira A. Scheindlin) and then re-joined the Firm in August 2016. She then left the Firm to join another law firm in August 2017. During her time at Sullivan & Cromwell, Ms. Thatte's practice focused primarily on representing companies in complex commercial and other litigation matters. Ms. Thatte was responsible for a variety of tasks in this case, including, among other things, legal research, drafting and revising motion papers and legal memoranda, assisting in preparing outlines for witness examination, analyzing and identifying evidence, helping others to prepare opening and closing arguments, working with the graphics and technology teams at trial, and managing summer associates, legal assistants and other support staff. In the relevant period (March 2017 through August 2017), Ms. Thatte's effective hourly rate (*see* ¶¶ 40-43, *infra*) was \$723 and she logged 802.75 hours to this matter.

35. Jacob B. Lieberman graduated with a Bachelor of Arts from Vassar College in 2009 and from Harvard Law School with a J.D. in 2014. He was admitted to the Bar of the State of New York in 2015 and to the United States District Court for the Southern District of New York in 2018. Mr. Lieberman joined Sullivan & Cromwell in September 2014. His practice focuses primarily on representing companies in complex commercial and other litigation matters. Mr. Lieberman was responsible for a variety of tasks, including, among other things, legal research,



drafting and revising motion papers and legal memoranda, assisting in preparing outlines for witness examination, analyzing and identifying evidence, helping others to prepare opening and closing arguments, working with the graphics and technology teams at trial, and managing support staff. In the relevant period (March 2017 through August 2017), Mr. Lieberman's effective hourly rate (*see* ¶¶ 40-43, *infra*) was \$723 and he logged 892.25 hours to this matter.

**c. Additional S&C Lawyers**

36. In addition to the lawyers mentioned above, other lawyers at S&C assisted when circumstances required. These lawyers were Rita M. Carrier, Christopher B. Green, James H. Shih, and Raffaele A. DeMarco. In the relevant period the effective hourly rates (*see* ¶¶ 40-43, *infra*) of these lawyers ranged from \$595 to \$847 and, collectively, they logged 111.75 hours to this matter in that period.

**d. Legal Assistants**

37. From the time S&C was retained in March 2017 through August 2017, a total of 16 legal assistants logged 1,544.25 hours to this matter at effective hourly rates (*see* ¶¶ 40-43, *infra*) from \$145 to \$349.<sup>2</sup> The legal assistants were responsible for preparing exhibits to all motions and legal memoranda submitted to the Court, preparing examination notebooks, and assisting throughout the trial with exhibits and evidence and in the preparation of trial presentations. They were also responsible for organizing case materials, coordinating with vendors, and certain trial logistics.

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<sup>2</sup> The legal assistants were Angie Garcia, Ashley I. Storey, Brianna N. Banks, Collin R. Riggs, Dylan S. Madoff, Jeffrey G. Eigen, Jeffrey H. Chiu, Karmen Qineti, Kristin M. Hasselgren, Marybeth C. Nametz, Melissa Caprio-Lopez, Nicholas J. Loftus, Nikol A. Oydanich, Sadel J. Desir, Sean S. Whalen, and William J. Buckingham.

**e. Research Librarians**

38. A total of nine S&C research librarians logged 20.5 hours to this matter in the relevant period.<sup>3</sup> The research librarians were primarily tasked with performing legal and public records research. Their effective hourly rate (*see* ¶¶ 40-43, *infra*) was \$361.

**f. E-Discovery and Technical Services**

39. The Firm's e-discovery and trial technical service personnel logged a total of 267 hours to this matter in the relevant period, at effective hourly rates (*see* ¶¶ 40-43, *infra*) from \$302 to \$361.<sup>4</sup> The primary responsibilities of the e-discovery staff were to manage the documents and other electronic data collected in this case and ensure that the lawyers had ready access to those documents and data. One trial technical assistant, Andrew W. Williams, also assisted with the technology during the trial in Albany.

**II. The Fees Paid By MSEI**

40. Sullivan & Cromwell rendered bills to Biotronik (MSEI's affiliate) on a monthly basis. The total legal fees in the relevant period (the months of March through August 2017) were \$4,493,460. Through this Application, defendants are seeking \$4,216,236.22. The S&C attorneys' fees sought in this Application have been reduced in the following respects. First, defendants are not seeking fees for summer associate time (despite valuable contributions in terms of legal research and other issues). Second, where a timekeeper's entry reflected travel time and other billable tasks, I have reduced the amount of hours logged by 50% (meaning that fees for non-

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<sup>3</sup> The research librarians were Cherryl J. Stephen, Darya A. Betin, Evelyn H. Seeger, John K. Tully, Joseph T. Boston, Kimberly N. Council, Marshall R. Voizard, Michael D. Pearson, and Tariq Khwaja.

<sup>4</sup> The e-discovery staff were Ahmed A. Milan, Alma Kordic, Evelyn H. Seeger, Fabian R. Menendez, Jacky Q. Long, Jimmy T. Phan, John K. Hancock, Joseph C. Chan, Ken Chen, and Mili Sam.

travel time in such entries will be reduced by 50% for the purposes of this Application). *See United States ex rel. Rubar v. Hayer Hoyt Corp.*, 2018 WL 566448, at \*7 (N.D.N.Y. Jan. 25, 2018) (“any travel time sought to be reimbursed . . . is appropriately reduced by 50%”) (Sharpe, J.). Third, in the 31 instances where an S&C timekeeper logged time to matters relating to the dismissed *MSEI v. Universal* case (13-cv-1144) or the pending appeal in this action—for which defendants are not seeking reimbursement of their fees through this Application—I have consulted with the timekeeper to reasonably (and conservatively) estimate the portion of that entry spent on the dismissed case or the pending appeal and reduced the time logged accordingly. In sum, these changes result in a reduction of \$277,223.78 from the fees actually paid by Biotronik.

41. Sullivan & Cromwell’s traditional billing philosophy is based on the value of the professional advice and services we provide. The objective is to set a fee that is fair and reasonable, competitive and satisfactory to the client. Hours logged to a matter and hourly rates are a significant component in determining fees. The fees detailed herein were calculated in accordance with the standard billing practices and rates used by Sullivan & Cromwell, and have been generally accepted by the Firm’s clients. Our Firm believes that our fees are commensurate with the value we provide, and our clients appear to agree.

42. The total S&C fees of \$4,493,460 in this Application period reflect the fee that S&C believed was appropriate, based upon Mr. Tulchin’s view as to the amount that was fair to the client and to the Firm under all of the circumstances. Had S&C billed on a straight hourly basis, using the Firm’s standard hourly rates (set forth below), the fees would have been \$5,280,962.50. The total actual fees billed (and paid) of \$4,493,460 are almost exactly 85% of what the fees would have been using S&C’s standard rates. Thus, the effective hourly rates were, on average, 85% of S&C’s standard hourly rates during the relevant period.

43. The table below sets out the effective hourly rates for the S&C attorneys and support staff explained above.

<b>Timekeeper(s)</b>	<b>Standard Hourly Rate(s)</b>	<b>Effective Hourly Rate(s)</b>
David B. Tulchin	\$1,700	\$1,445
Thomas C. White	\$1,150	\$978
Adam R. Brebner	\$1,225	\$1,041
Anuja D. Thatte	\$850	\$723
Jacob B. Lieberman	\$850	\$723
Additional S&C Lawyers	\$700–\$997	\$595–\$847
Legal Assistants	\$170–\$410	\$145–\$349
Research Librarians	\$425	\$361
E-Discovery and Technical Services	\$355–\$425	\$302–\$361

44. As set forth below, S&C sent invoices for the relevant period to our client on a monthly basis, and the fees in question were promptly paid in full.

<b>Invoice</b>	<b>Date of Invoice</b>	<b>Date Invoice Paid</b>	<b>Fee Amount</b>
March 2017	4/17/2017	6/7/2017	\$166,431.25
April 2017	5/4/2017	6/7/2017	\$532,718.75
May 2017	6/29/2017	7/11/2017	\$540,000.00
June 2017	7/7/2017	9/12/2017	\$1,020,959.00
July 2017	8/21/2017	10/3/2017	\$1,530,351.00
August 2017	9/11/2017	10/11/2017	\$703,000.00

### **III. Sullivan & Cromwell's History of Court-Approved Rates Achieved**

45. Courts have approved S&C's fees and hourly rates on a number of occasions.

46. For example, S&C (including Mr. Tulchin as lead counsel) represented Vornado Realty Trust in connection with an action brought by Stop & Shop Supermarket Co. in the Supreme Court of the State of New York, New York County. The action was tried to the Court in 2010 and 2011, and the Court's decision was entirely in favor of S&C's client. *Stop & Shop Supermarket Co. v. Vornado Realty Trust*, 2012 WL 5877645, \*1, \*35 (N.Y. Sup. Ct. Nov. 9,

2012). The court awarded attorneys' fees, and a Special Referee was appointed to determine the proper amount. *Id.* The Special Referee ultimately awarded attorneys' fees in the amount of \$9,922,892.58 plus statutory interest of 9%. *Id.* at \*35.

47. In awarding fees, the Special Referee ruled that Sullivan & Cromwell's standard "plan rate" (the hourly rate), including the hourly rates of Mr. Tulchin, were "competitive with similar and comparable large law firms and, therefore, reasonable and customary." *Stop & Shop Supermarket Co.*, 2012 WL 5877645 at \*25. These 2011 hourly rates were as much as \$1,290 for Mr. Tulchin, and the hourly rates for other lawyers on the team in that case were as high as \$990, and \$345 for support staff. *Id.* at \*24. The Special Referee also noted that Sullivan & Cromwell's hourly rates for lawyers "are competitive and generally charged in the community in which Sullivan & Cromwell practices" and stated further that "[i]t goes without saying, Sullivan & Cromwell is one of the nation's most reputable law firms and one of a small few that can command high hourly rates." *Id.* at \*23. This Court can take judicial notice that hourly rates at prominent law firms have increased in the period since 2011. Despite that, the effective hourly rates charged in this action for 2017 were not much higher (*e.g.*, \$1,445 for Mr. Tulchin in 2017 compared to the approved rate of \$1,290 for work performed in 2011).

48. Justice Marcy S. Friedman of the Commercial Division of the New York State Supreme Court, New York County, affirmed the Special Referee's fee award. *Stop & Shop Supermarket Co. v. Vornado Realty Trust*, 2012 WL 6930032 (N.Y. Sup. Ct. Dec. 11, 2012).

49. In June 2014, S&C client Frank McCourt was awarded certain fees he paid S&C in connection with an action to set aside a marital property settlement agreement on the basis of alleged fraud concerning the sale of the Los Angeles Dodgers. The Superior Court of California, County of Los Angeles, approved an award of S&C fees based on the Firm's standard hourly rates

of up to \$1,390 for partners and \$875 for associates. Those fees were for work performed in 2012-2013. *In re McCourt v. McCourt*, No. BD514309, slip. Op. at 28, 33 (Cal. Super. Ct. June 24, 2014). Attached hereto as Exhibit B is a copy of the Superior Court's decision in *In re McCourt v. McCourt*, No. BD514309 (Cal. Super. Ct. June 24, 2014).

50. S&C rates have also been approved in connection with various bankruptcy proceedings in federal bankruptcy courts. In *In re Primorsk International Shipping Limited*, No. 16-10073 (Bankr. S.D.N.Y. July 14, 2016), Dkt. No. 217, the court approved an award of fees based upon Sullivan & Cromwell's 2016 hourly rates submitted in its application (Dkt. No. 175), which included discounted partner hourly rates as much as \$1,285, associate hourly rates as much as \$935, legal assistant hourly rates as much as \$385, and e-discovery and research librarians' hourly rate of \$385.

51. In *In re Dendreon Corporation*, No. 14-12515 (Bankr. D. Del. Aug. 31, 2015), Dkt. No. 863, the court approved an award of fees based upon Sullivan & Cromwell's 2015 hourly rates submitted in its application (Dkt. No. 826), which included discounted partner hourly rates as much as \$1,295, special counsel hourly rates as much as \$1,050, associate hourly rates as much as \$865, and legal assistant hourly rates as much as \$355.

52. Finally, in *In re Energy Future Holdings Corporation*, No. 14-10979 (Bankr. D. Del. Jan. 13, 2015), the court approved (Dkt. No. 3120) discounted 2015 hourly rates for Sullivan & Cromwell partners as much as \$1,295, special counsel hourly rates as much as \$1,190, associates hourly rates as much as \$865, and legal assistant hourly rates as much as \$355.

#### **IV. Conclusion**

53. It is my belief that the victory obtained at trial by MSEI in this action was due in no small measure to the skill and efforts of its counsel. I respectfully request that the Court enter an award of legal fees to MSEI, including an amount of \$4,216,236.22 on account of the work performed by Sullivan & Cromwell. As noted above, S&C billed its client a total of \$4,493,460 for the relevant period (March 2017 through August 2017), and the client promptly paid the full amount. That higher amount has been reduced to reflect a request for payment for travel time at 50% of the timekeeper's effective rate and to exclude the fees associated with the companion case, the pending appeal, and the work of summer associates.

I declare under penalty of perjury that the forgoing is true and correct.

Dated: February 23, 2018

/s/ Thomas C. White  
Thomas C. White

# EXHIBIT A



**Exhibit A**

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
03/12/17	David B. Tulchin	Read Amended Complaint and decision on summary judgment motions.	0.75	0.75
03/12/17	Thomas C. White	Outline key questions/topics to be explored for upcoming client meeting.	1.50	1.50
03/13/17	David B. Tulchin	Prepare for tomorrow's meeting; confer White; travel from office to Lake Oswego, Oregon; confer Haley Bjerk.	10.50	5.25
03/13/17	Thomas C. White	Review background materials for upcoming client meeting. Prepare outline of key issues and send to Tulchin.	2.00	2.00
03/14/17	David B. Tulchin	Meetings in Lake Oswego, Oregon with Schmidt, Bjerk, Juergen, Vindner, Ravi Subrahmanyam, Said Saidi and Bill Burwell; travel from Lake Oswego to Dallas; emails.	7.75	3.875
03/15/17	David B. Tulchin	Travel from DFW to office; confer White; telcon Bjerk.	6.00	3.00
03/15/17	Thomas C. White	Review letters and related materials concerning Universal motion to compel. Meeting with Tulchin re: next steps, and telecon Bjerk.	2.75	2.75
03/16/17	David B. Tulchin	Read letter from Blank to Judge Sharpe and Cooper's draft response; conference call with Haley, David Cooper, Owen Dukelow and Tom White.	1.25	1.25
03/16/17	Michael D. Pearson	Research with regard to precedent for Notice of Appearance as requested by Thomas White.	0.25	0.25
03/16/17	Thomas C. White	Telecon Cooper, Tulchin, Bjerk regarding strategy for Universal motion to compel. Revise draft letter to the Court re: Universal motion to compel.	5.00	5.00
03/17/17	David B. Tulchin	Review and revise White's drafts (2) of a letter from Cooper to the Court; confer White; e-mails with Cooper; telcon Cooper and Dukelow; confer White.	3.25	3.25
03/17/17	Tariq Khwaja	Search for background information on Universal Instruments Corporation for David Tulchin.	0.75	0.75
03/17/17	Thomas C. White	Revise draft letter to Court regarding Universal motion to compel. Telecon Tulchin re: same. Telecon Cooper, Tulchin re: revisions to letter.	6.75	6.75
03/18/17	Thomas C. White	Revise draft letter responding to prospective motion to compel by Universal. Telecon Cooper re: same.	1.75	1.75
03/19/17	David B. Tulchin	Read David Cooper's comments on our draft letter to the Magistrate Judge; e-mails with White about our letter and the proper scope of discovery under Rule 26.	0.50	0.50
03/19/17	Thomas C. White	Revise draft letter responding to prospective motion to compel by Universal. Telecons Dukelow re: same. E-mails with Tulchin re: same. Research in connection with foregoing.	4.00	4.00
03/20/17	David B. Tulchin	Emails.	0.25	0.25
03/20/17	David B. Tulchin	Revise letter to M.J. Peebles.	0.50	0.50
03/20/17	David B. Tulchin	Telcon Cooper and Dukelow.	0.25	0.25
03/20/17	David B. Tulchin	Confer White	0.25	0.25
03/20/17	Thomas C. White	Finalize letter to Court re: motion to compel production of financial records. Telecons Tulchin, Cooper re: same. Review circulated briefing on motion to compel 30(b)(6) witness on organizational structure.	4.25	4.25
03/21/17	Ashley I. Storey	Per T. White's request, began preparing materials for NDNY Admission.	2.00	2.00
03/21/17	Christopher B. Greene	Call with Cooper; meeting with T. White to discuss case.	0.50	0.50
03/21/17	David B. Tulchin	E-mails; read 2016 papers sent to us by Dukelow on discovery issues; telcon Cooper, Dukelow and White.	1.25	1.25
03/21/17	Thomas C. White	Meeting with Greene. Telecon local counsel and meeting with Tulchin, Greene. Research appealability of counterclaims dismissal. Review protective order provisions.	2.50	2.50
03/22/17	Christopher B. Greene	Team meeting concerning protective order; researching NDNY admission.	1.75	1.75
03/22/17	David B. Tulchin	E-mails; confer White and Greene.	0.50	0.25
03/22/17	Thomas C. White	Review provisions of protective order and summarize. Meeting with Tulchin concerning next steps, strategy. Review research re: notice of appeal issues. Discussions with Greene concerning admission to NDNY.	2.25	1.75
03/23/17	Ashley I. Storey	Per C. Green's request, updated materials for NDNY admission.	4.75	4.75

\* The "Effective Hours" column reflects reductions to the hours logged for travel time; time logged to the *MSEI v. Universal* appeal; and the pending appeal in this action. (White Decl. ¶ 26.) Hours logged by S&C summer associates have been excluded entirely from Exhibit A. (*Id.*)

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
03/23/17	Christopher B. Greene	Reviewing summary judgment briefing and order; meeting with J. Schmidt and H. Bjerk.	3.00	3.00
03/23/17	David B. Tulchin	Prepare for and attend meeting with Schmidt and Bjerk; e-mails with White and Cooper; telcons White.	2.00	2.00
03/23/17	Thomas C. White	Prepare for and attend meeting with Schmidt, Bjerk (Biotronik), Tulchin, Greene. Review research re: appealability issues. Review trial court order. Telecon Tulchin re: trial issues. Telecon Cooper re: strategy.	3.00	3.00
03/24/17	Ashley I. Storey	Per C. Greene's request, continued updating NDNY admission materials.	3.75	3.75
03/24/17	Christopher B. Greene	Reviewing summary judgment briefing; preparing pro hac applications for team.	0.75	0.75
03/24/17	David B. Tulchin	Telcon John Greenthal and other efforts to locate suitable local counsel; e-mails with White, Greene and Andrew Rose; telcons Kaplan and White.	1.00	1.00
03/24/17	Thomas C. White	Telecon Tulchin re: notices of appearance strategy, local counsel. E-mail client re: same. Telecon Cooper re: notices of appearance, local counsel, key documents. Review pro hac papers.	1.00	1.00
03/25/17	Christopher B. Greene	Preparing admission papers.	0.75	0.75
03/25/17	David B. Tulchin	Telcon Andy Rose and e-mails.	1.00	1.00
03/27/17	Anuja D. Thatte	Editing Notices of Appearances for S&C counsel.	0.25	0.25
03/27/17	Anuja D. Thatte	Biotronik - meeting with C. Greene re: case.	0.50	0.50
03/27/17	Christopher B. Greene	Meeting with A. Thatte concerning case background; corresponding with A. Rose concerning pro hac papers; revising papers.	3.00	3.00
03/27/17	Thomas C. White	Research prospective damages recovery under Copyright laws and outline responses, in preparation for motion to compel oral argument. Review discovery correspondence re: same. Telecon H. Kaplan re: MTA retention. Telecon Bjerk re: status of discovery issues, next steps.	4.75	4.75
03/28/17	Anuja D. Thatte	Meeting with D. Tulchin, T. White, C. Greene.	0.50	0.50
03/28/17	Anuja D. Thatte	Biotronik - drafting letter motion to adjourn trial and supporting documentation.	1.25	1.25
03/28/17	Anuja D. Thatte	Compiling PHV and NoA forms for NDNY.	0.50	0.50
03/28/17	Anuja D. Thatte	Reading SJ opinion from Judge Sharpe.	0.50	0.50
03/28/17	Ashley I. Storey	Per C. Greene's request, prepared materials for NDNY pro-hac vice filing.	2.50	2.50
03/28/17	Christopher B. Greene	Reviewing motion to adjourn trial and pro hac papers.	0.75	0.75
03/28/17	David B. Tulchin	Confer White; e-mails with Rose; conference with team (White, Greene and Thatte); telcon Kaplan; e-mails with Bjerk and Schmidt; e-mails with Kaplan; telcon Bjerk; e-mails with David Cooper; telcon with Cooper's assistant; related matters.	3.00	3.00
03/28/17	Thomas C. White	Team meeting concerning outstanding items. Review PHV materials and e-mails re: same. Review discovery correspondence to prepare for motion to compel oral argument.	1.50	1.50
03/29/17	Christopher B. Greene	Reviewing motion to adjourn trial.	0.25	0.25
03/29/17	David B. Tulchin	Confer White; telcon Cooper; e-mails; telcon Rose; begin to review draft of a motion to adjourn the trial date.	2.00	2.00
03/29/17	Thomas C. White	Review Universal letter concerning notice of appeal. Coordinate PHV applications and e-mails with Rose re: same. E-mails concerning upcoming meeting with MSEI.	1.00	0.50
03/30/17	Ahmed A. Mian	Assisted Milli Sam over the phone with data assessment for a new case.	0.25	0.25
03/30/17	Anuja D. Thatte	Biotronik - call with M. Sam (EDLS) re: document review platform.	0.25	0.25
03/30/17	Anuja D. Thatte	Research re: summary judgment / amended complaint answer.	1.75	1.75
03/30/17	Anuja D. Thatte	Editing motion to adjourn trial.	0.25	0.25
03/30/17	Anuja D. Thatte	Creating deposition transcript binders.	0.75	0.75
03/30/17	David B. Tulchin	Telcon White; e-mails with Owen Dukelow, Tom White and Andy Rose; review and make suggestions about letter to Universal's lawyer concerning the appeal in the second case.	0.75	0.00
03/30/17	Jimmy T. Phan	Review new project specification & initial setting of profile request, and evaluate source data for processing requested by M. Sam	1.00	1.00
03/30/17	Mili Sam	Conference call with A. Thatte regarding case status, document download. Prepared files for processing. Review of file format.	1.50	1.50

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
03/30/17	Thomas C. White	Revise draft letter concerning notice of appeal and telecon Tulchin re: same. Review expert reports concerning damages.	2.75	1.25
03/31/17	Alma Kordic	Create custodian folders in ViewPoint in preparation for processing data per J. Phan. Work related to ViewPoint processing per J. Phan's request.	1.25	1.25
03/31/17	Ashley I. Storey	Per A. Thatte's request, prepared materials for deposition transcript binder.	0.25	0.25
03/31/17	Ashley I. Storey	Per A. Thatte's request, pulled all orders from 831 and 1144 dockets.	1.00	0.50
03/31/17	Ashley I. Storey	Per A. Thatte's request, created e-binder of all docket orders.	2.75	2.25
03/31/17	Christopher B. Greene	Reviewing correspondence from plaintiff; communicating with A. Thatte, T. White and D. Tulching concerning responses to letters; drafting initial responses to letters.	3.25	3.25
03/31/17	David B. Tulchin	Revise draft letter to Sharpe about trial date. Emails on many subjects. Review certain NDNY local orders. Review video of test handling system. Read letter from Chris Blank to Cooper. Read Said Saidi's Oct. 31, 2016 Declaration.	3.75	3.75
03/31/17	Fabian R. Menendez	Setup new Viewpoint database and set security permissions.	0.50	0.50
03/31/17	Jimmy T. Phan	Ingest and process 30 custodian deposition related materials/documents (including MSEI SJ Briefs and Exhibits) in Viewpoint, tiff & OCR image based documents, and deploy to the review platform for immediate review requested by Anuja Thatte per J. Chan; Coordinate with team members F. Menendez & A. Kordic, for additional help setting up Citrix user access, initial set up of the project in Viewpoint, and processing.	4.75	4.75
03/31/17	Joseph C. Chan	Download source data from FTP site provided by counsel. Create chain of custody entries for source data and update collection log. Submit processing request form for technical team to load into ViewPoint for review.	1.50	1.50
03/31/17	Melissa Caprio-Lopez	Print and tab documents for Ashley Storey - Attorney Anuja Thatte (Biotronik Orders from Dockets)	0.50	0.50
03/31/17	Mili Sam	Communication with J. Phan regarding status of document processing. Communication with J. Chan regarding additional documents for processing.	0.50	0.50
03/31/17	Thomas C. White	Research copyright damages in preparation for conference on motion to compel. Outline oral argument points. Review correspondence concerning answer to third amended complaint; telecon Tulchin and Greene re: same. Follow-up call with Greene. Review Test Handling System video.	5.00	5.00
04/01/17	Ken Chen	Process COC 0002 data into Viewpoint. Extract and OCR. Create processing report and update process form. Create view for case team.	1.00	1.00
04/01/17	Ken Chen	Process COC 0003 data into Viewpoint. Extract and OCR. Create processing report and update process form. Create view for case team.	1.00	1.00
04/02/17	Anuja D. Thatte	Reviewing SJ opinion and Saidi declaration.	0.75	0.75
04/02/17	Anuja D. Thatte	Editing Answer to Third Amended Complaint.	3.75	3.75
04/02/17	Anuja D. Thatte	Research re: Answer to Third Amended Complaint.	0.50	0.50
04/02/17	Christopher B. Greene	Drafting motion to extend deadline for answer and related declaration; revising draft answer.	5.50	5.50
04/02/17	Thomas C. White	Markup third amended complaint for formulating answer. Revise draft motion, declaration for leave to file answer.	2.75	2.75
04/03/17	Anuja D. Thatte	Compiling packets of Answer to Third Amended Complaint and attached motion for D. Tulchin and T. White review	1.00	1.00
04/03/17	Anuja D. Thatte	Drafting notice of motion for Answer to Third Amended Complaint.	0.50	0.50
04/03/17	Anuja D. Thatte	Editing Answer to Third Amended Complaint and supporting papers.	4.50	4.50
04/03/17	Anuja D. Thatte	Meeting with D. Tulchin, T. White, and C. Greene re: next steps.	0.50	0.50
04/03/17	Ashley I. Storey	Per A. Thatte's request, created binder of most important transcripts.	3.00	3.00
04/03/17	Christopher B. Greene	Draft and revising motion to extend time to answer.	6.25	6.25
04/03/17	David B. Tulchin	Reading materials pertaining to Universal's contention that defendants defaulted by not Answering the Complaint; confer with team; revise motion to extend our time to Answer; revise draft Answer; e-mails with Andy Rose and others; telcon Rose; telcon Bjerk; draft Declaration of David Cooper; revise draft Declaration of Andy Rose; other matters.	8.75	8.75

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
04/03/17	Mili Sam	Prepared transcripts and exhibits for processing.	0.25	0.25
04/03/17	Thomas C. White	Revise draft memorandum in support of extension. Revise answer. Revise declarations in support of motion. Team meeting re: same. Telecons Greene, Tulchin re: same. Research copyright damages available to Universal to prepare for motion to compel hearing.	9.25	9.25
04/04/17	Anuja D. Thatte	Tasks relating to filing of motion seeking to treat answer as timely filed.	2.50	2.50
04/04/17	Anuja D. Thatte	Editing Answer motion papers per KH Patent comments.	0.25	0.25
04/04/17	Christopher B. Greene	Call with A. Rose concerning motion to extend time; revising motion to extend time.	1.25	1.25
04/04/17	David B. Tulchin	Continued work on papers asking the Court to treat our Answer as having been timely filed; confer Bjerk; telcon Rose; conferences with team; read Universal's brief in opposition to defendants' motion for reconsideration; draft letter to Blank.	3.00	3.00
04/04/17	Thomas C. White	Revise motion for leave to file amendment. Team meeting re: same. Telecon Kaplan re: strategy. Telecon Rose re: amendment motion, upcoming conference. Review draft letter to Blank. Draft talking points for court conference on motion to compel. Review copyright damages research.	6.75	6.75
04/05/17	Anuja D. Thatte	Reviewing depositions in preparation for 4/6/17 discovery conference.	2.00	2.00
04/05/17	Christopher B. Greene	Meet and confer call with plaintiff; researching notice of appearance rule.	2.00	2.00
04/05/17	David B. Tulchin	E-mails to Cooper and Dukelow; e-mails to Rose; e-mails with team; confer White; read Blank letter; conference call with Chris Blank and others in his office, Andy Rose, Howie Kaplan, Cooper and Dukelow; telcon Kaplan.	2.50	2.50
04/05/17	Thomas C. White	Revise talking points for court conference. Review deposition transcript of Blacker re same. Meeting Tulchin re court conference. Telecon opposing counsel and Rose. Telecons Cooper, Dukelow re upcoming court conference.	8.25	8.25
04/06/17	Anuja D. Thatte	Call to Judge Peebles' Chambers and follow up re: discovery motion.	1.00	1.00
04/06/17	Ashley I. Storey	Per C. Greene's request, finalized protection orders.	0.50	0.50
04/06/17	Christopher B. Greene	Conference with Magistrate Judge Peebles and follow up discussion.	1.00	1.00
04/06/17	David B. Tulchin	Reading a number of prior Orders issued in the case; prepare for and participate in conference call with Magistrate Judge about discovery issues and other matters.	1.75	1.75
04/06/17	Thomas C. White	Prepare for court conference on motion to compel: revise talking points, team meeting, review caselaw. Court conference on motion to compel. Follow-up calls with Rose, Kaplan re: same. Telecon Bjerk re: document issues. Review Rose summary of call with opposing counsel.	4.75	4.75
04/07/17	David B. Tulchin	Read report of Rose's call with Blank; telcon Rose and White; read letter from Blank; conference call with Cooper and Dukelow; <b>PRIVILEGE REDACTED</b> ; confer White.	2.75	2.75
04/07/17	Thomas C. White	Telecon Tulchin, Rose re strategy on motion to compel. Telecon Tulchin, Bjerk re same. <b>PRIVILEGE REDACTED</b> Telecon Bjerk, Koenig re <b>PRIVILEGE REDACTED</b> Telecon Bjerk re strategy on production. Telecon Cooper re same.	4.25	4.25
04/09/17	Anuja D. Thatte	Editing motion to amend protective order (cont'd).	3.00	3.00
04/09/17	Anuja D. Thatte	Drafting motion to amend protective order.	0.25	0.25
04/10/17	Anuja D. Thatte	Biotronik - emails to D. Tulchin and O. Dukelow re: purchase order under Equipment Purchase Agreement.	0.25	0.25
04/10/17	Anuja D. Thatte	Drafting response letter to Plaintiff re: Apr. 7 request for additional discovery.	0.75	0.75
04/10/17	Christopher B. Greene	Corresponding with A. Thatte concerning motion to amend protective order.	0.25	0.25
04/10/17	David B. Tulchin	Reading background materials and studying the relevant contract; revise draft motion to revise protective order; confer White; revise White's draft letter to Blank about discovery dispute.	4.00	4.00
04/10/17	Thomas C. White	Draft letter to Blank re <b>PRIVILEGE REDACTED</b> . Telecon Tulchin re same. Revise letter to Blank. E-mails with team, client, Cooper re discovery issues.	2.25	2.25

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
04/11/17	Anuja D. Thatte	Meeting with D. Tulchin re: Mot. To Amend Protective Order and research questions.	0.75	0.75
04/11/17	Anuja D. Thatte	Biotronik - Review of Ex. B to EPA per D. Tulchin request.	1.00	1.00
04/11/17	Anuja D. Thatte	Editing motion to amend protective order per D. Tulchin comments.	0.50	0.50
04/11/17	Ashley I. Storey	Per A. Thatte's request, updated folders of defendant and plaintiff's expert reports.	5.00	5.00
04/11/17	Christopher B. Greene	Call with D. Cooper and O. Dukelow concerning plaintiff's discovery letter.	0.75	0.75
04/11/17	David B. Tulchin	E-mails with team; conferences with Thatte; telcon Cooper and Dukelow; read Sharpe's decision denying motion for reconsideration; memo to Howard Kaplan; begin to read deposition of Hampton; confer White; revise letter to Cooper.	4.25	4.25
04/11/17	Sadel J. Desir	Gathering and putting together Expert Reports for attorney review.	1.00	1.00
04/11/17	Thomas C. White	Review <b>PRIVILEGE REDACTED</b> Call with Cooper, Tulchin, Greene re strategy in connection with same. Finalize and send letter to Blank.	1.75	1.75
04/12/17	Anuja D. Thatte	Editing motion to amend protective order per D. Tulchin comments.	0.75	0.75
04/12/17	Anuja D. Thatte	Meeting with D. Tulchin, T. White, C. Greene re: trial prep and motion to amend protective order.	0.50	0.50
04/12/17	Anuja D. Thatte	Case law research re: protective order designations in 2d Cir, per D. Tulchin request.	2.25	2.25
04/12/17	Anuja D. Thatte	Editing motion to amend protective order.	1.25	1.25
04/12/17	Ashley I. Storey	Per A. Thatte's request, created binder of MTA depositions.	1.50	1.50
04/12/17	Christopher B. Greene	Team meeting; follow up discussion with T. White and A. Thatte; reviewing draft motion to adjourn trial.	1.00	1.00
04/12/17	David B. Tulchin	Continue with review of Hampton deposition; conferences; telcons Kaplan and Rose; e-mails with Martha Luring about mock trial; e-mails to Schmidt and Bjerk; reading expert reports of Richard Hooper and Terry Wolf; confer Lieberman.	5.75	5.75
04/12/17	Jacob B. Lieberman	Reviewing Hampton damages reports and summary of Hampton deposition.	0.75	0.75
04/12/17	Jacob B. Lieberman	Reviewing the Court's summary judgment decision.	1.25	1.25
04/12/17	Jacob B. Lieberman	Meeting with D. Tulchin re: overview of the matter and damages analysis research question.	0.75	0.75
04/12/17	Thomas C. White	Team meeting re upcoming projects for damages, depositions, motion to compel. Review draft protective order motion. Emails re damages research.	1.25	1.25
04/13/17	Anuja D. Thatte	Editing motion to amend protective order per D. Tulchin comments.	2.25	2.25
04/13/17	Anuja D. Thatte	Meeting with D. Tulchin re: Biotronik edits to motion re: protective order.	0.50	0.50
04/13/17	Anuja D. Thatte	Call with O. Dukelow re: letter to amend protective order.	0.25	0.25
04/13/17	Ashley I. Storey	Per J. Lieberman's request, created e-binder of copyright damages research materials.	4.00	4.00
04/13/17	David B. Tulchin	Read Salmons proposal and e-mail to Schmidt and Bjerk about mock jury exercise; confer Thatte; reading cases; begin to review Rickard expert report; confer Rose; confer White; confer Jake Lieberman.	4.50	4.50
04/13/17	Jacob B. Lieberman	Analyzing EPA agreement between MSEI and Universal.	0.75	0.75
04/13/17	Jacob B. Lieberman	Researching limitations on recovery of indirect profits as copyright damages.	1.50	1.50
04/13/17	Jacob B. Lieberman	Analyzing reports filed by Universal's damages expert (S. Hampton).	3.00	3.00
04/13/17	Jacob B. Lieberman	Meeting with D. Tulchin and T. White re: damages analysis memo and upcoming motions.	0.50	0.50
04/13/17	Jacob B. Lieberman	Meeting with T. White re: research into potential limitations on copyright damages.	0.25	0.25
04/13/17	Jacob B. Lieberman	Reviewing Saidi declaration to identify background material relevant to damages analysis motion.	0.75	0.75
04/13/17	Mili Sam	Communication with J. Chan regarding transcripts received.	0.25	0.25
04/13/17	Thomas C. White	Meeting with Lieberman re damages analysis. Meeting with Tulchin re trial schedule. Meeting with Tulchin, Lieberman re damages. Review and circulate Blank letter. Telecon Thatte re protective order. Outline motion to compel opposition.	2.75	2.75

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
04/14/17	Anuja D. Thatte	Meeting with D. Tulchin re: Protective Order motion and letter to C. Blank.	0.25	0.25
04/14/17	Anuja D. Thatte	Editing letter to C. Blank regarding confidentiality designations per D. Tulchin comments.	0.50	0.50
04/14/17	Anuja D. Thatte	Creating ebinder of financial fact discovery materials per T. White request.	0.50	0.50
04/14/17	Anuja D. Thatte	Creating ebinder of Saidi/Oleary depositions per T. White request.	0.25	0.25
04/14/17	Anuja D. Thatte	Editing letter to C. Blank re: protective order designations.	0.50	0.50
04/14/17	Anuja D. Thatte	Editing letter to C. Blank regarding confidentiality designations.	0.75	0.75
04/14/17	David B. Tulchin	E-mails; review and revise letter to opposing counsel re: confidential designations; review and revise draft brief on Protective Order motion; confer Thatte; revise letter to Court about the trial date; other matters.	2.50	2.50
04/14/17	Jacob B. Lieberman	Researching striking a new argument that was first raised in an expert witness's rebuttal report.	1.75	1.75
04/14/17	Jacob B. Lieberman	Researching potential limitations on copyright damages; analyzing how the facts in this action can be applied to the caselaw.	5.00	5.00
04/14/17	Thomas C. White	Review motion to compel. Emails with Cooper, Thatte re same. Emails with Lieberman re damages analysis.	1.00	1.00
04/15/17	David B. Tulchin	Revise letter to Judge Sharpe about our trial date; e-mails with Rose and Kaplan.	0.50	0.50
04/15/17	Jacob B. Lieberman	Drafting damages analysis memorandum.	1.75	1.75
04/15/17	Thomas C. White	Review motion to compel. Outline response.	1.00	1.00
04/16/17	Anuja D. Thatte	Reviewing Universal's opposition to motion to compel.	0.50	0.50
04/16/17	Anuja D. Thatte	Biotronik - creating ebinder of financial fact discovery materials per T. White request	0.25	0.25
04/16/17	David B. Tulchin	E-mails about trial date and letter seeking to move it.	0.50	0.50
04/16/17	Jacob B. Lieberman	Drafting damages analysis memorandum.	3.00	3.00
04/16/17	Thomas C. White	Team emails re strategy for changing trial date.	0.25	0.25
04/17/17	Adam R. Brebner	Call with D. Tulchin; review decision on summary judgment and scheduling order	0.75	0.75
04/17/17	Anuja D. Thatte	Editing letter motion to adjust trial date and sending papers to A. Rose for comment.	0.50	0.50
04/17/17	Anuja D. Thatte	Meeting with D. Tulchin, T. White, and J. Lieberman re: motion to compel; letter request re: trial date; and motion to amend protective order.	0.50	0.50
04/17/17	Anuja D. Thatte	Editing motion to amend protective order per D. Tulchin comments.	0.75	0.75
04/17/17	Anuja D. Thatte	Biotronik - editing letter to Judge Sharpe re: trial date and motion to amend protective order, per D. Tulchin comments.	0.50	0.50
04/17/17	Anuja D. Thatte	Researching and drafting opposition to motion to compel.	8.00	8.00
04/17/17	Ashley I. Storey	Per A. Thatte's request, created binder of Universal Motion to Compel materials.	3.25	3.25
04/17/17	David B. Tulchin	E-mails; read Universal's motion to compel; confer with team; revise letter to the Court; telcon Brebner; revise Protective Order motion; reading excerpts of depositions.	5.00	5.00
04/17/17	Jacob B. Lieberman	Attended team meeting with D. Tulchin, T. White, and A. Thatte re: brief opposing motion to compel discovery and general case strategy.	0.75	0.75
04/17/17	Jacob B. Lieberman	Drafting memorandum analyzing possible recovery of Universal.	4.00	4.00
04/17/17	Jacob B. Lieberman	Calls with A. Thatte re MSEI brief in opposition to Universal's motion to compel additional discovery.	0.50	0.50
04/17/17	Jacob B. Lieberman	Drafting brief in opposition to Universal's motion to compel additional discovery.	4.00	4.00
04/17/17	Melissa Caprio-Lopez	Print and tab documents for Ashley Storey - Attorney Anuja Thatte re: Universal Motion to Compel (Unredacted))	3.00	3.00
04/17/17	Thomas C. White	Team meeting concerning damages issues, response to motion to compel. Review trial date motion and telecon Rose re same. Draft outline of key points for opposition. Review Blank Declaration and supporting exhibits.	6.25	6.25
04/18/17	Adam R. Brebner	Meet with D. Tulchin and T. White re litigation; review background materials	1.00	1.00



Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
04/18/17	Anuja D. Thatte	Editing protective order motion and letter to C. Blank per D. Tulchin edits.	0.25	0.25
04/18/17	Anuja D. Thatte	Researching and drafting opposition to motion to compel (cont'd).	2.00	2.00
04/18/17	Anuja D. Thatte	Editing protective order motion and letter to C. Blank per D. Tulchin edits	0.50	0.50
04/18/17	Ashley I. Storey	Per A. Thatte's request, created binder of Caudrillier deposition exhibits.	1.50	1.50
04/18/17	David B. Tulchin	Further comments on motion to amend the protective order; continuing to read deposition transcripts; confer Thatte; confer Brebner; review Blank's letter opposing our request to move the trial date.	4.75	4.75
04/18/17	Evelyn H. Seeger	Searches for cases with discussion regarding <b>PRIVILEGE REDACTED</b> for Anuja Thatte	0.50	0.50
04/18/17	Jacob B. Lieberman	Revising brief in opposition to Universal's motion to compel additional discovery.	2.50	2.50
04/18/17	Jacob B. Lieberman	Researching case law regarding <b>PRIVILEGE REDACTED</b>	0.75	0.75
04/18/17	Jacob B. Lieberman	Drafting memorandum analyzing possible recovery for Universal.	4.00	4.00
04/18/17	Melissa Caprio-Lopez	Print and tab documents for Ashley Storey - Attorney Anuja Thatte (Exhibits from Caudrillier Depositions)	1.50	1.50
04/18/17	Thomas C. White	Meeting with Tulchin and Brebner. Outline and revise portions of motion to compel opposition. Telecon Thatte re foregoing. Review protective order papers.	6.50	6.50
04/19/17	Anuja D. Thatte	Editing opposition to motion to compel per T. White comments.	0.25	0.25
04/19/17	Anuja D. Thatte	Revisions to/drafting of motion to compel per T. White comments.	4.00	4.00
04/19/17	Anuja D. Thatte	Editing motion to compel per T. White comments.	4.50	4.50
04/19/17	David B. Tulchin	Review and comments on Lieberman's long memo on the proper calculation of damages; finish reading deposition of Caudrillier; confer Lieberman about computation of damages; confer White; telcon Bjerk; begin to read deposition of Kim Morris.	6.00	6.00
04/19/17	Jacob B. Lieberman	Meeting with D. Tulchin re: damages analysis memo edits and additional research.	0.75	0.75
04/19/17	Jacob B. Lieberman	Researching damages related to misappropriation of trade secrets claims.	0.50	0.50
04/19/17	Jacob B. Lieberman	Reviewing D. Tulchin's edits to damages analysis memo.	0.75	0.75
04/19/17	Jacob B. Lieberman	Researching application of Rule 26 proportionality to issues raised by Universal in their motion to compel discovery.	1.75	1.75
04/19/17	Jacob B. Lieberman	Call with T. White and A. Thatte re: draft of brief in opposition to Universal's motion to compel.	0.25	0.25
04/19/17	Jacob B. Lieberman	Revising brief in opposition to Universal's motion to compel based upon comments from T. White.	4.75	4.75
04/19/17	Jacob B. Lieberman	Drafting additional sections for brief in opposition to Universal's motion to compel additional discovery.	6.00	6.00
04/19/17	Thomas C. White	Revise draft motion to compel opposition. Telecon Lieberman and Thatte re same. Meeting with Tulchin re discovery conference strategy and preparing for meeting with client.	11.00	11.00
04/20/17	Anuja D. Thatte	Editing motion to compel per D. Tulchin comments.	1.25	1.25
04/20/17	Anuja D. Thatte	Drafting (cont'd) for opposition to motion to compel, per T. White comments.	1.00	1.00
04/20/17	Anuja D. Thatte	Editing opposition to motion to compel per T. White comments.	5.00	5.00
04/20/17	Ashley I. Storey	Per J. Lieberman's request, created e-binders of MSEI witness depositions and exhibits.	2.00	2.00
04/20/17	David B. Tulchin	Conference call with Blank, Baranowski, Rose, Kaplan and White about designations under the Protective Order; separate telcon with Rose; confer White about the brief in opposition to Universal's motion to compel; continued reading of the Kim Morris deposition; drafting and revising the brief in opposition to Universal's motion to compel; read McQuarter deposition.	6.00	6.00
04/20/17	Jacob B. Lieberman	Preparing e-binder of deposition transcripts for T. White.	0.25	0.25
04/20/17	Jacob B. Lieberman	Revising brief in opposition to Universal's motion to compel additional discovery for comments from T. White.	4.25	4.25

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
04/20/17	Thomas C. White	Revise draft opposition to motion to compel. Telecon Tulchin re same. Telecon Lieberman, Thatte re same. Revise agendas for upcoming meetings and circulate.	8.75	8.75
04/20/17	Thomas C. White	Prepare for telecon with opposing counsel. Telecon with opposing counsel re discovery issues.	0.75	0.75
04/21/17	Adam R. Brebner	Review and comment on letter to opposing counsel re confidentiality and discovery; review opposition to motion to compel; review various email with team	1.00	1.00
04/21/17	Anuja D. Thatte	Drafting proposed order for letter request to file under seal.	0.25	0.25
04/21/17	Anuja D. Thatte	Creating chart summarizing sales revenues for MSEI per D. Tulchin request.	0.50	0.50
04/21/17	Anuja D. Thatte	Call with D. Tulchin, T. White, A. Brebner, J. Lieberman re: response to C. Blank letter.	0.25	0.25
04/21/17	Anuja D. Thatte	Drafting response to C. Blank 4-21-17 letter re: confidentiality designations/request for additional discovery.	0.75	0.75
04/21/17	Anuja D. Thatte	Inputting comments from A. Rose into brief in opposition to plaintiff's motion to compel.	0.25	0.25
04/21/17	Ashley I. Storey	Per J. Lieberman's request, began creating exhibits for upcoming filing.	0.50	0.50
04/21/17	David B. Tulchin	Review and revise latest draft of our brief in opposition to plaintiff's motion to compel; review and revise White Declaration and letter to the Court asking that documents be sealed; telcon with team; emails with Cooper, Dukelow, Kaplan, Bjerk, White, Lieberman and Thatte; review draft Agendas for meetings next week; prepare for meeting on 4/24 with Cooper and Dukelow.	3.25	3.25
04/21/17	Jacob B. Lieberman	Call with D. Tulchin, T. White and A. Thatte re: responding to Universal's letter of 4/21/2017.	0.25	0.25
04/21/17	Jacob B. Lieberman	Preparing materials to accompany brief in opposition to Universal's motion to compel additional discovery, including exhibits, declarations and a letter seeking to file under seal.	3.50	3.50
04/21/17	Jacob B. Lieberman	Revising brief in opposition to Universal's motion to compel additional discovery for comments from D. Tulchin and T. White.	2.00	2.00
04/21/17	Thomas C. White	Team call re responding to Blank letter. Edit draft response. Review and revise agendas for upcoming meeting. Team emails re same.	1.75	1.75
04/21/17	Thomas C. White	Revise draft motion to compel opposition.	1.25	1.25
04/22/17	David B. Tulchin	Revise latest draft of brief in opposition to plaintiff's motion to compel; e-mails.	1.00	1.00
04/22/17	Jacob B. Lieberman	Researching New York case law on the appropriate damages for a trade secrets claim.	2.00	2.00
04/22/17	Jacob B. Lieberman	E-mail correspondence with A. Rose and A. Thatte re: logistics for filing on 4/24/2017.	0.25	0.25
04/22/17	Jacob B. Lieberman	Revising brief in opposition to Universal's motion to compel additional discovery for comments from D. Tulchin and T. White.	0.50	0.50
04/22/17	Thomas C. White	Review Dukelow comments. Team emails re same. Revise brief in light of comments and circulate.	1.25	1.25
04/23/17	Anuja D. Thatte	Editing opposition to motion to compel per D. Tulchin/T. White/O. Dukelow comments.	0.25	0.25
04/23/17	Anuja D. Thatte	Cite checking brief in opposition to motion to compel.	3.50	3.50
04/23/17	David B. Tulchin	Reviewing brief in opposition to plaintiff's motion to compel; e-mails with team; read transcripts of depositions of Bob Archer and Don Read; travel from Sea Island to Charlotte and then Charlotte to DFW airport.	9.00	4.50
04/23/17	Jacob B. Lieberman	Revising brief in opposition to Universal's motion to compel additional discovery for comments from D. Tulchin and C. White.	1.75	1.75
04/23/17	Jacob B. Lieberman	Cite check and copy check of brief in opposition to Universal's motion to compel additional discovery.	3.75	3.75
04/23/17	Jacob B. Lieberman	Reviewing Universal damages reports to identify damages alleged against MTA.	0.25	0.25
04/23/17	Thomas C. White	Travel to Portland for meetings with client.	8.25	4.125
04/23/17	Thomas C. White	Review Saidi deposition transcript. Review motion to compel opposition. Review key exhibits.	1.75	1.75
04/24/17	Anuja D. Thatte	Editing brief in opposition to Universal's Motion to Compel.	1.75	1.75



Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
04/24/17	Anuja D. Thatte	Finalizing submissions for filing opposition to motion to compel.	1.25	1.25
04/24/17	Ashley I. Storey	Per J. Lieberman's request, finalized exhibits for filing.	1.50	1.50
04/24/17	Ashley I. Storey	Per J. Lieberman's request, updated exhibits for filing.	2.50	2.50
04/24/17	David B. Tulchin	Travel from DFW to Portland; meetings with Cooper, Dukelow and Bjerk.	12.00	6.00
04/24/17	Jacob B. Lieberman	Updating motion to file under seal and T. White declaration to reflect additional documents.	0.50	0.50
04/24/17	Jacob B. Lieberman	Revising damages analysis memo for comments from DBT.	2.75	2.75
04/24/17	Jacob B. Lieberman	Checking accuracy of redaction on all documents being filed on 4/24/2017.	0.75	0.75
04/24/17	Jacob B. Lieberman	Final edits and copy check of MSEI's brief in opposition of the motion to compel.	1.25	1.25
04/24/17	Jacob B. Lieberman	Preparing updated exhibits to file with MSEI's opposition to the motion to compel.	0.75	0.75
04/24/17	Michael D. Pearson	Research with regard to NY state cases dealing with appropriate damages entitled for misappropriation of trade secrets. Requested by Jake Lieberman.	0.75	0.75
04/24/17	Thomas C. White	Prepare for meeting with Cooper, Dukelow. Revise motion to compel opposition and telecon Thatte re same. Meeting Bjerk, Tulchin, Dukelow, Cooper re trial strategy and litigation next steps.	11.75	11.75
04/25/17	Anuja D. Thatte	Biotronik - reviewing trade secret analysis of damages memo, per J. Lieberman request.	0.75	0.75
04/25/17	Anuja D. Thatte	Biotronik - call with D. Tulchin, T. White, and J. Lieberman re: down designations under Protective Order.	0.25	0.25
04/25/17	Anuja D. Thatte	Researching availability of damages under New York State law for trade secret misappropriation.	2.00	2.00
04/25/17	Ashley I. Storey	Per J. Lieberman's request, compiled all expert report materials.	4.25	4.25
04/25/17	David B. Tulchin	Meeting in Lake Oswego with Bjerk, Ravi, Saidi, Burwell and others; emails; confer Thatte; travel from Portland to Denver and then Denver to St Louis; reviewing transcripts of MTA witnesses.	13.50	6.75
04/25/17	Jacob B. Lieberman	Drafting additional sections for the damages analysis memo to address claims against MTA.	3.50	3.50
04/25/17	Jacob B. Lieberman	Revising damages analysis memo based upon comments from DBT.	4.00	4.00
04/25/17	Jacob B. Lieberman	Researching recovery of indirect damages for a copyright infringement claim outside of the Second Circuit.	1.50	1.50
04/25/17	Jacob B. Lieberman	Preparing PDFs of declarations and depositions requested by T. White.	0.75	0.75
04/25/17	Jacob B. Lieberman	Call with D. Tulchin, T. White and A. Thatte re: letter to Universal concerning down-designation of certain documents.	0.25	0.25
04/25/17	Thomas C. White	Prepare for and attend meeting with MSEI team. Review MTA witness deposition transcripts. Travel to St Louis for meeting with MTA.	14.50	7.25
04/26/17	Anuja D. Thatte	Drafting response letter to C. Blank (Universal) re: down designations under Protective Order.	1.75	1.75
04/26/17	Ashley I. Storey	Per J. Lieberman's request, compiled all declaration materials relating to Summary Judgment filings.	5.75	5.75
04/26/17	Darya A. Betin	Research request from Jacob Lieberman - researching reporter version of On Davis v. The Gap, 246 F.3d 152 (2d. Cir. 2001).	0.25	0.25
04/26/17	David B. Tulchin	Travel from St Louis to Lebanon, Missouri; meetings with Bob Archer and Kim Morris; travel from Lebanon to Jacksonville, Florida.	13.00	6.50
04/26/17	Jacob B. Lieberman	E-mail correspondence with T. White and A. Storey re: e-binders of summary judgment declarations requested by T. White.	0.25	0.25
04/26/17	Jacob B. Lieberman	Drafting additional sections of the damages analysis memo addressing misappropriation of trade secretes claims.	2.25	2.25
04/26/17	Jacob B. Lieberman	Preparing e-binders of documents requested by T. White.	0.50	0.50
04/26/17	Kristin M. Hasselgren	Sent out FedEx package, at the request of J. Lieberman.	0.25	0.25
04/26/17	Thomas C. White	Travel to meeting with MTA. Meeting with Archer, Morris. Travel to New York.	13.75	6.875
04/27/17	Adam R. Brebner	Meet with T. White, A. Thatte, and J. Lieberman re pretrial and trial issues and strategy; follow up communications re same	1.25	1.25
04/27/17	Anuja D. Thatte	Biotronik - meeting with T. White, A. Brebner, J. Lieberman re: client visits and next steps.	0.75	0.75

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
04/27/17	Anuja D. Thatte	Editing down designation letter to Universal per D. Tulchin and T. White comments.	0.75	0.75
04/27/17	Ashley I. Storey	Per J. Lieberman's request, finalized set of documents relating to Summary Judgment.	4.75	4.75
04/27/17	David B. Tulchin	Review and revise letter to Universal's lawyers about designations under the Protective Order; e-mails with team; emails with Vic Baranowski.	1.00	1.00
04/27/17	Jacob B. Lieberman	Meeting with T. White, A. Brebner and A. Thatte re: download of T. White's meetings with MSEI and MTA, upcoming projects and research questions.	1.00	1.00
04/27/17	Jacob B. Lieberman	Calls with B. Blacker and T. Rickard re: scheduling trial preparation meetings in New York.	0.25	0.25
04/27/17	Jacob B. Lieberman	Preparing e-binders of expert reports and summary judgment briefings for T. White and A. Brebner.	0.25	0.25
04/27/17	Melissa Caprio-Lopez	Print and tab documents for Ashley Storey - Attorney Jake Lieberman (Briefing on Summary Judgment Motion)	1.50	1.50
04/27/17	Thomas C. White	Revise letter to Blank re discovery issues. Prepare for team meeting (summarize witness interviews). Meeting with Brebner, Lieberman, Thatte re upcoming projects. Review Lieberman memo re damages.	4.75	4.75
04/27/17	William J. Buckingham	Assisting with preparing binders of Expert Reports.	2.00	2.00
04/28/17	Adam R. Brebner	Review Universal reply on motion to compel and various team email	0.25	0.25
04/28/17	Anuja D. Thatte	Transmitting letter re: down designations to C. Blank et al.	0.25	0.25
04/28/17	Ashley I. Storey	Per J. Lieberman's request, prepared Saidi, Crawford and Dukelow materials for print.	2.50	2.50
04/28/17	David B. Tulchin	E-mails with team; read Universal's reply brief in support of its motion to compel the production of documents.	0.50	0.50
04/28/17	Jacob B. Lieberman	Reviewing Universal's reply brief in support of its motion to compel discovery.	0.25	0.25
04/28/17	Jacob B. Lieberman	Scheduling meetings with Bruce Blacker and Tim Rickard.	0.25	0.25
04/28/17	Sean S. Whalen	Per Jake Lieberman, prepared one copy each of eight binders: declarations and exhibits for A. Storey.	2.25	2.25
04/28/17	Thomas C. White	Review summary judgment briefing and decision. Review Taylor deposition transcript. Review Universal motion to compel reply papers. Revise letter to Blank re discovery issues.	6.25	6.25
04/29/17	David B. Tulchin	E-mails with Rose and Kaplan about the hearing scheduled for Tuesday, May 2.	0.25	0.25
04/29/17	Thomas C. White	Review Pelissier deposition transcript.	1.00	1.00
04/30/17	Thomas C. White	Review Pelissier deposition transcript.	0.75	0.75
05/01/17	Adam R. Brebner	Review background materials and third-amended complaint; email with Lieberman re MIL	1.25	1.25
05/01/17	Anuja D. Thatte	Research re: duty to supplement discovery under Rule 26 of the Federal Rules of Civil Procedure, per T. White request.	0.75	0.75
05/01/17	David B. Tulchin	Read Lieberman memo on damages; telcon Lieberman; confer White; telcon Bjerk.	2.00	2.00
05/01/17	Jacob B. Lieberman	Researching whether Universal could successfully argue <b>PRIVILEGE REDACTED</b>	2.00	2.00
05/01/17	Jacob B. Lieberman	Researching <b>PRIVILEGE REDACTED</b>	0.25	0.25
05/01/17	Jacob B. Lieberman	Analyzing affirmative defenses raised by MSEI in its Answer to Universal's Third Amended Complaint.	0.50	0.50
05/01/17	Jacob B. Lieberman	Reviewing damages calculations in the Blacker reports.	0.50	0.50
05/01/17	John K. Tully	Locate and pull sections of Wright Miller treatise for A. Thatte	0.25	0.25
05/01/17	Thomas C. White	Draft talking points for motion to compel oral argument. Review briefing and supporting materials. Telecon Bjerk, Tulchin re strategy. Research duty to supplement discovery. Review Universal correspondence re protective order.	8.00	8.00
05/01/17	William J. Buckingham	Preparing requested hard copies of Motion to Compel papers.	2.50	2.50
05/02/17	Adam R. Brebner	Review 2d circuit procedure and prepare appearances and scheduling notice	1.00	0.00

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
05/02/17	David B. Tulchin	Travel to Syracuse; oral argument of motion to compel before M.J. Peebles; travel from Syracuse to 535 Madison Avenue; e-mails.	9.50	4.75
05/02/17	Jacob B. Lieberman	Scheduling meetings with Bruce Blacker and Tim Rickard.	0.25	0.25
05/02/17	Thomas C. White	Prepare for oral argument on motion to compel. Travel to Syracuse. Attend hearing on motion to compel. Meet with Rose, Tulchin. Travel to New York. Telecon Bjerk re conference and next steps.	9.75	4.875
05/03/17	Adam R. Brebner	Review law re appeal procedure and email to team re same	1.75	0.00
05/03/17	Anuja D. Thatte	Reviewing MSEI Complaint in connection with Notice of Appeal, per A. Brebner request.	0.50	0.00
05/03/17	Ashley I. Storey	Per A. Thatte's request, compiled unredacted exhibits to MSEI's 10/31 SJ papers.	1.75	1.75
05/03/17	David B. Tulchin	Confer Lieberman and White; conference call with Universal's counsel; revise letter to Universal's counsel; read letter from Blank about protective order issues; continue with digests of certain depositions; telcon Bjerk; read Lieberman memo about having Rickard testify at trial from a remote location.	3.00	3.00
05/03/17	Jacob B. Lieberman	Meet and confer with Plaintiffs.	0.50	0.50
05/03/17	Jacob B. Lieberman	E-mail correspondence with D. Tulchin re: the ability of a trial witness to testify via video conference.	0.25	0.25
05/03/17	Jacob B. Lieberman	Call with D. Tulchin and T. White re: Rickard trial testimony.	0.25	0.25
05/03/17	Jacob B. Lieberman	Researching whether a witness with a medical condition can testify at trial via video conference.	1.50	1.50
05/03/17	Jacob B. Lieberman	Preparing letter and attachment to send to Universal re: down-designations.	0.75	0.75
05/03/17	Sadel J. Desir	Gathering and putting together evidence materials on MSEI Request, for attorney review.	1.00	1.00
05/03/17	Thomas C. White	Review research re Rickard testimony by video. Review research re Second Circuit scheduling filings. Meet and confer re trial schedule, protective order issues. Draft letter to opposing counsel re protective order issues. Telecons Lieberman, Thatte re foregoing. Review summary judgment briefing.	6.25	5.75
05/03/17	William J. Buckingham	Assisting with preparing the Deposition Preparation binder per J. Lieberman.	1.25	1.25
05/04/17	Adam R. Brebner	Calls with Tulchin and White re second circuit; prepare appearances and scheduling notice for second circuit and coordinate filing; email with A. Thatte and J. Lieberman re prepare pretrial filings; review court order re pretrial filings and research precedents	2.00	1.00
05/04/17	Anuja D. Thatte	Editing draft stipulation to modify protective order, per T. White request.	0.25	0.25
05/04/17	Anuja D. Thatte	Editing motion to hold briefing in abeyance pending outcome in related action, per A. Brebner request.	0.50	0.00
05/04/17	Anuja D. Thatte	Call with A. Rose (Nixon Peabody) re: N.D.N.Y. procedure for securing video testimony of expert witness.	0.25	0.25
05/04/17	Ashley I. Storey	Per J. Lieberman's request, finalized Cooper and Owen Key Documents binder.	0.50	0.50
05/04/17	Ashley I. Storey	Per J. Lieberman's request, began compiling documents for chronology binder.	2.00	2.00
05/04/17	David B. Tulchin	E-mails; telcon Brebner; confer White and Lieberman; telcon Lieberman; arrange for Second Circuit appearances; read M.J. Peebles' decision denying Universal's motion to compel; e-mails to and from Joan Schmidt and Haley Bjerk.	2.00	1.75
05/04/17	Jacob B. Lieberman	Revising Joint Stipulation and [Proposed] Order to modify the protective order based upon comments from T. White and A. Rose.	0.75	0.75
05/04/17	Jacob B. Lieberman	E-mail correspondence with A. Thatte re: motion for T. Rickard to testify via video conference.	0.25	0.25
05/04/17	Jacob B. Lieberman	Call with T. Rickard and A. Thatte re: accommodations for trial testimony.	0.25	0.25
05/04/17	Jacob B. Lieberman	Call with T. White re: preparing key documents binder.	0.25	0.25
05/04/17	Jacob B. Lieberman	Drafting Joint Stipulation and [Proposed] Order to modify the protective order.	1.75	1.75

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
05/04/17	Jacob B. Lieberman	Analyzing Judge Peebles' opinion denying Universal's motion to compel additional discovery.	1.00	1.00
05/04/17	Thomas C. White	Review and summarize decision on motion to compel. Telecons Brebner re appeal issues. Telecon Tulchin re next steps with protective order, motion to compel. Meet and confer re protective order, pretrial issues.	2.25	1.75
05/04/17	William J. Buckingham	Assist with preparation of the Deposition Preparation documents binder.	3.50	3.50
05/04/17	William J. Buckingham	Assist with assembling a Chronology binder of previous exhibits and other documents of interest.	3.75	3.75
05/05/17	Adam R. Brebner	Call w/ T. White and H. Bjerk re 2d circuit appeal; prepare letter to second circuit and coordinate filings of appearances and LR scheduling notification; email with prior counsel re substitution	1.00	0.00
05/05/17	Anuja D. Thatte	Meeting with T. White and J. Lieberman re: trial preparation strategy.	0.25	0.25
05/05/17	Ashley I. Storey	Per J. Lieberman's request, continued compiling materials for chronology binder.	6.00	6.00
05/05/17	Ashley I. Storey	Per J. Lieberman's request, finalized materials for chronology binder.	5.00	5.00
05/05/17	Collin R. Riggs	Logged exhibits	0.75	0.75
05/05/17	David B. Tulchin	Norway; E-mails with White and others.	0.25	0.25
05/05/17	Jacob B. Lieberman	Researching damages available for a misappropriation of trade secrets claim.	1.00	1.00
05/05/17	Jacob B. Lieberman	Meeting with T. White and A. Thatte re: motions in limine.	0.50	0.50
05/05/17	Karmen Qineti	Assisted W. Buckingham in the login exhibits, as per requests of J. Lieberman	2.00	2.00
05/05/17	Sadel J. Desir	Gathering and putting together Comments on Rebuttal Reports for attorney review.	2.00	2.00
05/05/17	Sean S. Whalen	Per Jake Lieberman, prepared one set of exhibits for W. Buckingham.	1.00	1.00
05/05/17	Thomas C. White	Team meeting re outstanding projects and deadlines. Attention to Second Circuit scheduling filings and telecon Bjerk, Brebner re same. Review key documents for chronology. Revise protective order undertaking.	3.00	2.50
05/05/17	William J. Buckingham	Assisting with preparation of Chronology binder of significant documents.	10.00	10.00
05/06/17	Jacob B. Lieberman	Preparing chart setting out the Universal's different damages calculations.	1.00	1.00
05/06/17	Thomas C. White	Emails with Tulchin, Lieberman, Thatte re strategy issues. Outline talking points.	0.50	0.50
05/07/17	Anuja D. Thatte	Call with T. White and J. Lieberman re: draft undertaking to allow J. Schmidt and H. Bjerk to review AEO materials.	0.25	0.25
05/07/17	David B. Tulchin	Norway; E-mails with Thatte about response to Universal's lawyers about content of the possible undertaking for Schmidt and Bjerk.	0.25	0.25
05/07/17	Jacob B. Lieberman	E-mail correspondence with T. White re: Universal's damages calculations.	0.25	0.25
05/07/17	Jacob B. Lieberman	Call with T. White and A. Thatte re: request from plaintiff for certain down designations.	0.25	0.25
05/07/17	Thomas C. White	Revise draft protective order. Team call re same. Outline talking points for settlement considerations. Review analysis of damages scenarios.	0.75	0.75
05/08/17	Anuja D. Thatte	Reviewing materials proposed by Universal for down designation under Protective Order.	0.75	0.75
05/08/17	David B. Tulchin	Norway; E-mails with Thatte and White on several subjects; e-mails with Martha Luring and Veronica Andrews (jury consultants).	0.50	0.50
05/08/17	Jacob B. Lieberman	Drafting Motion in Limine re: damages.	4.00	4.00
05/08/17	Jacob B. Lieberman	Call with B. Blacker re: availability to testify at trial; follow-up e-mail re: same.	0.25	0.25
05/08/17	Jacob B. Lieberman	Revising talking points re: business case for settlement.	0.75	0.75
05/08/17	Mili Sam	Communication with W. Buckingham regarding document management.	0.25	0.25
05/08/17	Thomas C. White	Draft talking points on settlement considerations. Revise draft undertaking for protective order and team emails re same. Review key documents (EPA, MTA contract) and selected deposition exhibits.	8.00	8.00
05/08/17	William J. Buckingham	Preparing electronic binder of all depositions. Updating electronic records with copies of all depositions.	1.75	1.75

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
05/09/17	Anuja D. Thatte	Email to Howie Kaplan re: MTA-related down designations proposed by Universal.	0.25	0.25
05/09/17	Anuja D. Thatte	Telephonic communications / electronic correspondence with T. White and H. Bjerk re: proposed down designations by Universal.	0.50	0.50
05/09/17	Anuja D. Thatte	Review of statements of material facts submitted in connection with summary judgment briefing, per T. White request.	0.50	0.50
05/09/17	David B. Tulchin	Norway; Review and revise White's draft of settlement "talking points"; e-mails with White.	0.75	0.75
05/09/17	Jacob B. Lieberman	Drafting motion to allow T. Rickard to testify remotely.	0.25	0.25
05/09/17	Jacob B. Lieberman	Revising Motion in Limine re: damages.	0.75	0.75
05/09/17	Jacob B. Lieberman	E-mail correspondence with T. White re: status update on upcoming projects.	0.25	0.25
05/09/17	Jacob B. Lieberman	Drafting Motion in Limine re: damages.	2.25	2.25
05/09/17	Mili Sam	Communication with W. Buckingham regarding folder creation as requested.	0.25	0.25
05/09/17	Thomas C. White	Review chronology of key documents from witness depositions. Review and revise draft talking points on settlement considerations. Review analysis of protective order issues and telecons with team re: strategy for same.	5.75	5.75
05/09/17	William J. Buckingham	Updating electronic records with copies of all depositions.	1.00	1.00
05/10/17	Anuja D. Thatte	Research re: copyright and trade secret defenses, per T. White request.	8.75	8.75
05/10/17	David B. Tulchin	Denmark; Telcon White.	0.50	0.50
05/10/17	Jacob B. Lieberman	Editing and proofing Motion in Limine re: damages.	2.25	2.25
05/10/17	Jacob B. Lieberman	Drafting motion to allow T. Rickard to testify remotely.	0.50	0.50
05/10/17	Jacob B. Lieberman	Calls with T. White re: Universal's damages calculations and expert reports on damages.	0.50	0.50
05/10/17	Jacob B. Lieberman	Revising talking points re: business case for settlement.	1.75	1.75
05/10/17	Thomas C. White	Revise talking points re settlement. Telecons Lieberman re Universal damages calculations. Telecon Tulchin re settlement talking points. Emails re strategy for protective order revisions. Review deposition exhibits and 56.1 statements for chronology.	8.25	8.25
05/11/17	Anuja D. Thatte	Research re: motion in limine to exclude references to foreign affiliate company.	1.00	1.00
05/11/17	Anuja D. Thatte	Research (cont'd) re: copyright and trade secret defenses, per T. White request.	6.25	6.25
05/11/17	Anuja D. Thatte	Research re: "good cause" under Fed. R. Civ. P. 43(a) in connection with motion to permit videotestimony of expert.	0.25	0.25
05/11/17	Anuja D. Thatte	Creating pre-trial task list, per T. White request.	0.50	0.50
05/11/17	David B. Tulchin	Denmark; Read revised draft of memo about settlement considerations; telcon White.	0.75	0.75
05/11/17	Jacob B. Lieberman	Researching reported decisions and trial court orders where a witness was allowed to testify remotely due to a medical condition.	2.75	2.75
05/11/17	Jacob B. Lieberman	Drafting affidavit for T. Rickard in support of the motion to allow him to testify remotely.	0.50	0.50
05/11/17	Jacob B. Lieberman	Revising motion to allow T. Rickard to testify remotely based upon comments from T. White.	0.50	0.50
05/11/17	Jacob B. Lieberman	Revising T. Rickard affidavit based upon comments from T. White.	0.25	0.25
05/11/17	Jacob B. Lieberman	Revising motion to allow T. Rickard to testify remotely.	0.25	0.25
05/11/17	Jacob B. Lieberman	Revising T. Rickard affidavit.	0.25	0.25
05/11/17	Thomas C. White	Telecon Tulchin re revisions to settlement talking points. Revise settlement talking points and send to Bjerk. Telecon H Kaplan re trial strategy. Review deposition exhibits for key documents chronology. Telecon Bjerk re settlement strategy, protective order issues.	6.75	6.75
05/12/17	Adam R. Brebner	Review and comment draft damages MILL; various communications with team	1.00	1.00
05/12/17	Anuja D. Thatte	Editing motion in limine re: exclusion of references to foreign affiliate, per T. White comments.	1.75	1.75
05/12/17	Anuja D. Thatte	Research and drafting motion in limine re: exclusion of references to foreign affiliate.	3.00	3.00

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
05/12/17	Anuja D. Thatte	Drafting voir dire questions in accordance with Judge Sharpe's Pre-Trial Order.	2.00	2.00
05/12/17	David B. Tulchin	Denmark; E-mails with White and others.	0.50	0.50
05/12/17	Jacob B. Lieberman	Revising Motion in Limine re: damages based upon comments from A. Brebner.	4.00	4.00
05/12/17	Jacob B. Lieberman	Calls with A. Rose re: witnesses testifying remotely in Albany.	0.25	0.25
05/12/17	Jacob B. Lieberman	Revising T. Rickard affidavit based upon comments from T. White.	0.25	0.25
05/12/17	Jacob B. Lieberman	Revising motion to allow T. Rickard to testify remotely based upon comments from T. White.	0.75	0.75
05/12/17	Thomas C. White	Revise motion re Rickard remote testimony. Revise motion in limine re German parent. Review deposition exhibits for chronology. Emails with Brebner re analysis of draft damages motion. Telecon Bjerk re status, settlement.	8.00	8.00
05/13/17	Anuja D. Thatte	Biotronik - research re: possible claims and defenses, per T. White request.	1.25	1.25
05/13/17	Anuja D. Thatte	Biotronik - drafting outline of claims and defenses, per T. White request.	2.00	2.00
05/13/17	David B. Tulchin	Review draft of letter and affidavit asking permission for Rickard to testify at trial from Denver.	0.50	0.50
05/13/17	Jacob B. Lieberman	Drafting responses to D. Tulchin questions re: T. Rickard.	0.50	0.50
05/13/17	Jacob B. Lieberman	E-mail correspondence re: T. Rickard's request for an additional retainer.	0.50	0.50
05/13/17	Thomas C. White	Review key documents and deposition exhibits for chronology. Review Universal 56.1 statement. Research software copyright cases.	4.25	4.25
05/14/17	Anuja D. Thatte	Biotronik - research re: possible claims and defenses, per T. White request.	4.25	4.25
05/14/17	David B. Tulchin	Draft letter to Peebles about the telephone conference scheduled for May 16.	0.25	0.25
05/14/17	Jacob B. Lieberman	E-mail correspondence with D. Tulchin re: T. Rickard.	0.25	0.25
05/14/17	Thomas C. White	Review research re copyright defenses. Draft settlement letter to Peebles.	0.50	0.50
05/15/17	Adam R. Brebner	Team meeting re work going forward; various communications with team	1.00	1.00
05/15/17	Anuja D. Thatte	Meeting re: trial strategy (attendees: D. Tulchin, A. Brebner, T. White, J. Lieberman, A. Thatte).	0.50	0.50
05/15/17	Ashley I. Storey	Per A. Thatte's request, updated chronology binder index.	5.25	5.25
05/15/17	David B. Tulchin	Letter to Magistrate Judge Peebles; e-mails; confer with team; e-mails to Luring and Andrews of Salmons Consulting; review motion in limine re parent of MSEI; confer Bjerk about settlement and other issues; confer White; confer Lieberman; confer Thatte; e-mails with Rickard.	3.25	3.25
05/15/17	Jacob B. Lieberman	Calls with D. Tulchin re: T. Rickard trial testimony; follow-up e-mails re: same.	0.25	0.25
05/15/17	Jacob B. Lieberman	Team meeting with D. Tulchin, T. White, A. Brebner, and A. Thatte re: upcoming motions and trial preparations.	0.75	0.75
05/15/17	Sadel J. Desir	Gathering and putting together the December 12, 2016 Supplemental Affidavit of Victor Baranowski for Attorney review.	1.00	1.00
05/15/17	Thomas C. White	Draft agenda for team meeting. Team meeting re outstanding projects, settlement issues. Revise outline of claims/defenses and telecons Thatte re same. Revise undertaking and send to client. Telecon Tulchin, Bjerk re settlement strategy.	7.25	7.25
05/15/17	William J. Buckingham	Preparing an updated chronology binder based on recent review.	3.75	3.75
05/16/17	Anuja D. Thatte	Tasks re: copyright registrations and binder of exhibits, per T. White request.	0.50	0.50
05/16/17	Anuja D. Thatte	Reviewing THS video from S. Said.	0.25	0.25
05/16/17	Anuja D. Thatte	Prepping final version of undertaking and stipulation re: amending the protective order, per T. White request.	0.50	0.50
05/16/17	Ashley I. Storey	Per A. Thatte's request, finalized Baranowski deposition binders.	1.00	1.00
05/16/17	Ashley I. Storey	Per A. Thatte's request, updated chronology binder documents.	1.00	1.00



Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
05/16/17	Darya A. Betin	Research request from Anuja Thatte - researching <b>PRIVILEGE REDACTED</b>	0.75	0.75
05/16/17	David B. Tulchin	E-mails; conference call with Lindner, Subrahmayian, Saidi, Burwell, Crawford, Schmidt and Bjerk; confer Cooper and Dukelow about Rickard; confer White and Lieberman.	1.50	1.50
05/16/17	Jacob B. Lieberman	Researching whether <b>PRIVILEGE REDACTED</b>	1.25	1.25
05/16/17	Jacob B. Lieberman	Call with D. Tulchin, T. White, D. Cooper, and O. Dukelow re: T. Rickard; follow-up e-mails re: same.	0.50	0.50
05/16/17	Jacob B. Lieberman	Call with S. Cahn re: T. Rickard testimony; follow-up e-mails re: same.	0.25	0.25
05/16/17	Joseph C. Chan	Created chain of custody entry for video files to be checked into evidence. Created ViewPoint processing request and sent to technical team for processing and loading into ViewPoint. Ran quality control on documents that have been loaded. Transferred contents of source to media and submitted to evidence for safekeeping. Updated collection log with received source data. Create copies of video files for distribution to case team.	2.00	2.00
05/16/17	Melissa Caprio-Lopez	Print and tab documents for William Buckingham - Attorney Jake Lieberman (Tab 1 thru 78)	2.00	2.00
05/16/17	Mili Sam	Communication with J. Chan regarding W. Buckingham request for video processing.	0.25	0.25
05/16/17	Thomas C. White	Revise chronology of key documents. Call with MSEI executive team, Tulchin concerning settlement strategy. Call with Cooper, Dukelow, Tulchin re Rickard testifying issues. Review settlement scenarios.	6.00	6.00
05/16/17	William J. Buckingham	Updating Chronology binder and preparing hard copies for review. Assisting with preparing DVDs of videos for distribution.	3.50	3.50
05/17/17	Adam R. Brebner	Review/revise damages motion; meet with J. Lieberman re damages motion; review various email with team	2.50	2.50
05/17/17	Alma Kordic	Work related to QC of processed data in ViewPoint and completion of quality control forms per J. Phan's request.	0.50	0.50
05/17/17	Anuja D. Thatte	Reviewing documents proposed for down designation by Universal for potential redactions.	1.00	1.00
05/17/17	Anuja D. Thatte	Reviewing videos provided by Said Saidi (con'td).	0.25	0.25
05/17/17	Anuja D. Thatte	Finalizing Stipulation and Undertaking re: access to AEO materials, per T. White request.	0.50	0.50
05/17/17	Ashley I. Storey	Per A. Thatte's request, compiled documents for updated chronology.	2.50	2.50
05/17/17	David B. Tulchin	Emails. Consider Haley's settlement construct.	0.25	0.25
05/17/17	Jacob B. Lieberman	Revising motion for T. Rickard to testify via video conference and accompanying affidavits for comments from T. White.	1.50	1.50
05/17/17	Jacob B. Lieberman	Searching for documents to include on the chronology of important dates.	2.75	2.75
05/17/17	Jacob B. Lieberman	Revising motion to allow T. Rickard to testify at trial via video conference based upon comments from D. Tulchin and additional research into de benne esse depositions.	2.00	2.00
05/17/17	Jacob B. Lieberman	Meeting with A. Brebner re: Motion in Limine on damages.	0.25	0.25
05/17/17	Jacob B. Lieberman	Finished researching whether <b>PRIVILEGE REDACTED</b>	1.75	1.75
05/17/17	Jacob B. Lieberman	Drafting affidavit for T. Rickard's doctor.	0.50	0.50
05/17/17	Jimmy T. Phan	Provide processing and load of media files (ref: Custodian: Said Saidi) into Viewpoint for immediate review requested by J. Chan	1.50	1.50
05/17/17	Thomas C. White	Review documents for chronology. Revise and circulate chronology. Review research re statute of limitations. Telecon Howie Kaplan re strategy. Review mock trial prep materials. Finalize protective order stipulation.	9.00	9.00
05/17/17	William J. Buckingham	Preparation and distribution of DVDs of product videos to team. Compiling copies of requested court papers for review. Assisting with updating the Chronology binder.	7.75	7.75

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
05/18/17	Adam R. Brebner	Review law re disgorgement and damages; meet with team re mock jury exercise	2.00	2.00
05/18/17	Anuja D. Thatte	Reviewing materials for down designation, per T. White request.	3.50	3.50
05/18/17	Anuja D. Thatte	Correspondence re: down designation exchange between the parties.	0.50	0.50
05/18/17	Anuja D. Thatte	Team meeting with A. Brebner, T. White, J. Lieberman re: mock jury project.	1.00	1.00
05/18/17	David B. Tulchin	Confer White. Emails. Revise papers seeking permission for Rickard to testify remotely. Confer Lieberman. Conference call with Rickard.	2.50	2.50
05/18/17	Jacob B. Lieberman	Revising T. Rickard affidavit based upon information from today's call.	0.50	0.50
05/18/17	Jacob B. Lieberman	Revising Motion in Limine on damages based on comments from A. Brebner.	3.00	3.00
05/18/17	Jacob B. Lieberman	Searching for additional documents to include on the chronology of important dates.	1.00	1.00
05/18/17	Jacob B. Lieberman	Revising motion to allow T. Rickard to testify remotely at trial and accompanying affidavits based upon comments from D. Tulchin.	1.00	1.00
05/18/17	Jacob B. Lieberman	Call with T. Rickard, D. Tulchin and T. White re: testifying at trial.	0.75	0.75
05/18/17	Jacob B. Lieberman	Reviewing Universal's brief appealing Magistrate Judge Peebles' decision on the discovery motion.	1.75	1.75
05/18/17	Jacob B. Lieberman	Meeting with T. White, A. Brebner, and A. Thatte re: mock jury exercise.	1.00	1.00
05/18/17	Melissa Caprio-Lopez	Print and tab documents for William Buckingham - Attorney J. Lieberman (Chron Binder)	1.50	1.50
05/18/17	Sean S. Whalen	Per J. Lieberman, prepared five sets of chron material for W. Buckingham.	2.25	2.25
05/18/17	Thomas C. White	Meeting with Tulchin re jury exercise. Outline tasks for same. Meeting with team re same. Meeting with Mayron re upcoming tasks. Review statute of limitations research. Review Universal appeal of Peebles decision.	9.25	9.25
05/18/17	William J. Buckingham	Updating the Chronology binder and assisting with preparing hard copies for distribution to the team. Preparing hard copies of recently filed court papers for distribution.	8.00	8.00
05/19/17	Adam R. Brebner	Review Universal objections; various communications with team re trial; meet with J. Lieberman re opposition to objections	2.25	2.25
05/19/17	Anuja D. Thatte	Meeting with D. Tulchin and T. White re: videos provided by Said Saidi (MSEI).	0.75	0.75
05/19/17	Anuja D. Thatte	Reviewing materials for down designation, per T. White request.	3.00	3.00
05/19/17	Ashley I. Storey	Per J. Lieberman's request, collected exhibits to Rickard's July 18, 2016 Expert Report.	0.25	0.25
05/19/17	Ashley I. Storey	Per A. Thatte's request, redacting information from Blacker Rebuttal Report.	1.00	1.00
05/19/17	David B. Tulchin	Revise Affidavit of Rickard. Read White's s chronology. Confer White. Read Universal's appeal of Peebles' decisions. Read Universal's settlement demand. Emails. View the video of THS sent to us by Said Saidi. Confer Thatte and White. Read Universals demand to MTA.	3.50	3.50
05/19/17	Jacob B. Lieberman	Reviewing B. Blacker expert reports.	1.00	1.00
05/19/17	Jacob B. Lieberman	Meeting with A. Brebner re reply brief on the appeal Universal's motion to compel.	0.75	0.75
05/19/17	Jacob B. Lieberman	Call with T. Rickard, D. Tulchin, and T. White re: availability to testify at trial.	0.50	0.50
05/19/17	Jacob B. Lieberman	Revising T. Rickard affidavit based on information recieved from T. Rickard.	0.50	0.50
05/19/17	Jacob B. Lieberman	Preparing outline of issues for reply brief on Universal's motion to compel appeal.	1.00	1.00
05/19/17	Jacob B. Lieberman	Researching caselaw cited in Universal's brief appealing denial of its motion to compel.	1.25	1.25
05/19/17	Jacob B. Lieberman	Drafting reply brief in response to Universal's appeal of on the discovery order.	1.75	1.75
05/19/17	Jacob B. Lieberman	Revising T. Rickard affidavit based upon comments from D. Tulchin.	0.50	0.50



Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
05/19/17	Thomas C. White	Telecon Tulchin re response to Universal appeal. Emails with Lieberman, Brebner re same. Outline mock jury presentation and circulate. Review key statute of limitations cases. Review MSEI video with Tulchin. Analyze proposed stipulations of fact.	6.25	6.25
05/19/17	William J. Buckingham	Assisting with preparing hard copies of recently filed court papers for distribution. Assisting with preparation of redacted documents.	4.50	4.50
05/20/17	Thomas C. White	Outline mock jury defenses.	0.50	0.50
05/21/17	Jacob B. Lieberman	Drafting reply brief on the appeal of Universal's motion to compel.	2.75	2.75
05/21/17	Jacob B. Lieberman	Researching invalidation of contractual limitations on liability under New York law.	1.50	1.50
05/21/17	Thomas C. White	Review objections to MJ Peebles decision and supporting materials. Outline defenses for mock jury exercise.	2.25	2.25
05/22/17	Adam R. Brebner	Review summary judgment papers and expert reports re prepare for trial/motions; communications with team	2.50	2.50
05/22/17	Anuja D. Thatte	Research re: <b>PRIVILEGE REDACTED</b>	1.00	1.00
05/22/17	Anuja D. Thatte	Reviewing transcription of videos provided by Said Saidi.	0.25	0.25
05/22/17	Anuja D. Thatte	Research re: Judge Sharpe jury instructions per A. Brebner request.	0.50	0.50
05/22/17	Anuja D. Thatte	Drafting settlement counteroffer letter to Universal, per T. White request.	0.50	0.50
05/22/17	Anuja D. Thatte	Research re: <b>PRIVILEGE REDACTED</b>	0.50	0.50
05/22/17	Anuja D. Thatte	Call with A. Brebner re: jury charge.	0.25	0.25
05/22/17	Anuja D. Thatte	Communications re: down designations for Universal.	0.25	0.25
05/22/17	Ashley I. Storey	Per J. Lieberman's request, compiled Hampton and Blacker depositions and exhibits.	5.50	5.50
05/22/17	Cherryl J. Stephen	Research conducted to identify jury instructions from copyright trials in front of Judge Gary Sharpe of the Northern District of New York for Anuja Thatte.	1.00	1.00
05/22/17	Darya A. Betin	Liaising with Westlaw Court Express to request correspondence related to specified US Copyright registrations.	0.25	0.25
05/22/17	David B. Tulchin	Telcon Rose. Confer White. Emails on various subjects. Begin to read key documents binder. Conference call with Lindner, Subramahian, Saidi, Rob Crowley, Bjerk and Schmidt. Confer ARB.	4.25	4.25
05/22/17	Jacob B. Lieberman	Drafting reply brief on the appeal of Universal's motion to compel.	9.75	9.75
05/22/17	Sean S. Whalen	Per Jake Lieberman, prepared one set of each of two exper reports for A. Storey.	0.75	0.75
05/22/17	Thomas C. White	Telecon Rose re damages strategy. Telecon client re settlement strategy. Telecon Cooper, Dukelow re deposition designations, related projects. Telecon Thatte re statute of limitations, jury instructions. Draft settlement letter. Review proposed stipulations of fact.	7.25	7.25
05/22/17	William J. Buckingham	Preparing copies of court papers for distribution. Assist with preparing copies of the Expert Reports Binder for distribution. Assist with locating documents referenced in the Equipment Purchase Agreement.	4.00	4.00
05/23/17	Adam R. Brebner	Review law and email re offer of judgment; call with T. White; meet with A. Mayron re Daubert motions; review draft opposition to objections to magistrate order; various email with team	2.00	2.00
05/23/17	Anuja D. Thatte	Editing voiceover for THS videos provided by S. Saidi.	1.75	1.75
05/23/17	Anuja D. Thatte	Meeting with T. White and J. Lieberman re: trial strategy/next steps.	0.75	0.75
05/23/17	David B. Tulchin	Revise and finalize letter about our settlement proposal; confer White; e-mails; review revisions to draft Rickard Affidavit; review digest of Carol Taylor deposition; continue to review binder of key documents; begin to review Blacker expert reports; confer White and Thatte.	2.50	2.50
05/23/17	Evelyn H. Seeger	Searches to find state and federal jury instructions regarding specific claims for Austin Mayron	0.75	0.75
05/23/17	Jacob B. Lieberman	Revising reply brief on the appeal of Universal's motion to compel.	3.25	3.25
05/23/17	Jacob B. Lieberman	Finalizing T. Rickard affidavit; e-mail correspondence re: same.	0.25	0.25
05/23/17	Jacob B. Lieberman	Researching <b>PRIVILEGE REDACTED</b> in the Second Circuit.	1.00	1.00
05/23/17	Jacob B. Lieberman	Meeting with T. White and A. Thatte re: possible trial defenses and additional research questions.	0.50	0.50

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
05/23/17	Kimberly N. Council	Confirm information regarding <b>PRIVILEGE REDACTED</b> for Anuja Thatte.	0.25	0.25
05/23/17	Melissa Caprio-Lopez	Print and tab documents for William Buckingham - Attorney J. Lieberman (Pls Expert Reports)	1.00	1.00
05/23/17	Thomas C. White	Revise narratives for video. Revised proposed stipulations of fact. Telecon Brebner re strategy. Telecon Thatte re outstanding projects. Finalize settlement letter. Meeting Thatte, Lieberman re research tasks and trial prep. Review Blacker reports.	9.75	9.75
05/23/17	William J. Buckingham	Preparing a copy of the Blacker Deposition Materials binder. Preparing copies of the Chronology binder for delivery to outside counsel. Preparing hard copy of the Expert Reports binder. Assist with locating documents referenced in the Equipment Purchase Agreement.	7.50	7.50
05/24/17	Adam R. Brebner	Prepare for and meeting with Tulchin, White, Mayron re defenses and follow up re same	2.50	2.50
05/24/17	Anuja D. Thatte	Research re: defenses for copyright ownership/infringement claim.	1.00	1.00
05/24/17	Anuja D. Thatte	Drafting response to Universal's proposed Stipulated Uncontested Facts, per T. White request.	1.75	1.75
05/24/17	Anuja D. Thatte	Meeting with B. Blacker re: trial preparation.	2.00	2.00
05/24/17	David B. Tulchin	E-mails; meeting with Bruce Blacker; revise letter to Sharpe; prepare for and participate in conference call with M.J. Peebles concerning settlement; confer White and Brebner.	4.50	4.50
05/24/17	Jacob B. Lieberman	Meeting with Bruce Blacker, D. Tulchin, T. White and A. Thatte re: damages.	2.25	2.25
05/24/17	Jacob B. Lieberman	Researching cases that <b>PRIVILEGE REDACTED</b>	2.00	2.00
05/24/17	Jacob B. Lieberman	Researching New York caselaw on <b>PRIVILEGE REDACTED</b>	2.00	2.00
05/24/17	Jacob B. Lieberman	Researching whether <b>PRIVILEGE REDACTED</b>	3.50	3.50
05/24/17	Jacob B. Lieberman	E-mail correspondence with A. Brebner re: Judge Peebles' holding on damages for trade secrets claim.	0.25	0.25
05/24/17	Thomas C. White	Draft talking points for mock jury exercise. Review research re: statute of limitations defense. Revise outline of trial defenses. Prepare for and participate in call with Magistrate re: settlement; summarize for client. Meeting with Tulchin, Brebner, Mayron re: trial defenses. Telecon Howie Kaplan re: MTA strategy. Telecons Thatte re: outstanding research.	9.00	9.00
05/24/17	William J. Buckingham	Assist with locating documents referenced in the Equipment Purchase Agreement.	1.75	1.75
05/25/17	Adam R. Brebner	Review prior decisions; prepare opposition to appeal of discovery order	1.00	1.00
05/25/17	Anuja D. Thatte	Editing voiceover for THS videos provided by S. Saidi per T. White comments.	0.50	0.50
05/25/17	Anuja D. Thatte	Drafting summary re: precedent for copyright relation back.	1.00	1.00
05/25/17	David B. Tulchin	E-mails; review Second Circuit order rescheduling the CAMP conference.	0.50	0.25
05/25/17	Jacob B. Lieberman	Call with A. Brebner re: research for reply brief on Universal's appeal of Magistrate Judge Peebles' discovery order.	0.25	0.25
05/25/17	Jacob B. Lieberman	E-mail correspondence with B. Blacker and S&C team re: scheduling trial prep session.	0.25	0.25
05/25/17	Jacob B. Lieberman	Researching whether an <b>PRIVILEGE REDACTED</b> under the copyright act.	4.50	4.50
05/25/17	Jacob B. Lieberman	Researching <b>PRIVILEGE REDACTED</b>	0.75	0.75
05/25/17	Thomas C. White	Review research re: <b>PRIVILEGE REDACTED</b> Telecon Bjerk re: witness prep. Review research re: statute of limitations defense. Draft talking points for use in mock jury slides. Prepare task list and circulate to team.	7.00	7.00
05/25/17	William J. Buckingham	Reviewing deposition exhibits for completeness and updating electronic records.	3.75	3.75

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
05/26/17	Adam R. Brebner	Review briefing, expert reports and case law and prepare opposition brief to appeal of Magistrate's order; various communications with team	7.25	7.25
05/26/17	Anuja D. Thatte	Revising task list, per T. White request.	0.50	0.50
05/26/17	Anuja D. Thatte	Call with T. White re: trial preparation and strategy, including discussing statute of limitations defenses to copyright claim.	0.50	0.50
05/26/17	Ashley I. Storey	Per J. Lieberman's request, collected select documents cited in chronology.	0.75	0.75
05/26/17	David B. Tulchin	E-mails with White, Bjerk, Lieberman and others; read final version of Rickard Affidavit and letter from his doctor (Dr. Kraft); review letter brief to the Court seeking to have Rickard testify at trial from Denver.	1.25	1.25
05/26/17	Jacob B. Lieberman	Revising motion for T. Rickard to testify via video conference; e-mail correspondence re: same.	0.75	0.75
05/26/17	Jacob B. Lieberman	Sending A. Brebner the affidavits and declarations Universal filed in relation to its motion to compel.	0.25	0.25
05/26/17	Jacob B. Lieberman	E-mail correspondence with A. Brebner re: draft reply brief on Universal's appeal of Judge Peebles' discovery order.	0.25	0.25
05/26/17	Jacob B. Lieberman	Preparing documents to send to T. Crawford.	1.50	1.50
05/26/17	Jacob B. Lieberman	Reviewing S. Hampton deposition and transcripts.	4.25	4.25
05/26/17	Jacob B. Lieberman	Researching application of <b>PRIVILEGE REDACTED</b> in the Second Circuit.	1.00	1.00
05/26/17	Jacob B. Lieberman	Researching whether <b>PRIVILEGE REDACTED</b>	2.25	2.25
05/26/17	Melissa Caprio-Lopez	Print and tab documents for William Buckingham - Attorney T. White (O'Leary Binder)	1.00	1.00
05/26/17	Sean S. Whalen	Per T. White, prepared one set of exhibits for W. Buckingham.	0.50	0.50
05/26/17	Thomas C. White	Review Watson deposition transcript. Review Lundy deposition transcript. Revise draft motion re: Richard availability. E-mail opposing counsel. Telecon Thatte re: outstanding projects. Review statute of limitations research.	8.00	8.00
05/26/17	William J. Buckingham	Preparation of binder of Lundy transcripts and exhibits. Reviewing deposition exhibits for accuracy and updating electronic files.	3.50	3.50
05/27/17	Adam R. Brebner	Prepare opposition brief to appeal of Magistrate's order; various communications with team re same	7.75	7.75
05/27/17	David B. Tulchin	Review and make suggested revisions to the revised script for the videotape of the test handling system; e-mails on that subject and others.	1.25	1.25
05/27/17	Thomas C. White	Review Lundy deposition. Review Tulchin revisions to THS video and e-mails re: same.	1.75	1.75
05/28/17	Anuja D. Thatte	Call with D. Tulchin and T. White re: voiceover for THS videos.	0.25	0.25
05/28/17	Anuja D. Thatte	Editing transcript for THS video voiceover	0.75	0.75
05/28/17	David B. Tulchin	Telcon White and Thatte; e-mails.	0.50	0.50
05/28/17	Jacob B. Lieberman	E-mail correspondence with A. Brebner re: S. Hampton damages calculations.	0.25	0.25
05/28/17	Thomas C. White	Telecon Tulchin, Thatte re: revisions to video script. Revise script.	0.50	0.50
05/29/17	Adam R. Brebner	Prepare brief in opposition to appeal; email with Lieberman re same	6.25	6.25
05/29/17	Adam R. Brebner	Prepare opposition to Biotronik appeal, including review record and case law; various communications with Lieberman and White	8.00	8.00
05/29/17	Anuja D. Thatte	Editing transcript for THS video voiceover per D. Tulchin comments.	0.50	0.50
05/29/17	Anuja D. Thatte	Reviewing videotape of Scott Hampton deposition.	0.25	0.25
05/29/17	Anuja D. Thatte	Reviewing Universal correspondence with Copyright Office, per T. White request.	1.50	1.50
05/29/17	David B. Tulchin	Review and revise second draft of script for the audio portion of the videotapes to be shown to the jury about the test handling system; e-mails with White and Thatte.	0.75	0.75
05/29/17	Jacob B. Lieberman	Researching whether <b>PRIVILEGE REDACTED</b>	3.25	3.25
05/29/17	Jacob B. Lieberman	Researching New York caselaw on whether <b>PRIVILEGE REDACTED</b>	2.00	2.00

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05/29/17	Jacob B. Lieberman	Researching whether <b>PRIVILEGE REDACTED</b>	2.00	2.00
05/29/17	Thomas C. White	Review Lundy deposition transcript. Revise script for THS video. Review and comment on draft motion re: damages.	2.75	2.75
05/30/17	Adam R. Brebner	Prepare opposition to objections to May 4 Order; review draft statement of undisputed facts and email team re same; communications re motions in limine; various communications with team	6.00	6.00
05/30/17	Anuja D. Thatte	Email to H. Bjerk and S. Saidi re: transcripts for THS videos.	0.25	0.25
05/30/17	Anuja D. Thatte	Reviewing exhibits to deposition transcripts for de-designation.	1.00	1.00
05/30/17	Anuja D. Thatte	Reviewing depositions of K. Morris and R. Archer re: use of MSEI source code.	0.50	0.50
05/30/17	Anuja D. Thatte	Research relating to and editing of MSEI's counterproposal to Universal's proposed uncontested stipulation of facts.	4.50	4.50
05/30/17	David B. Tulchin	Revise new script for videotape to jury; review draft brief in opposition to Universal's objection to Peebles' decision on damages; e-mails on various subjects.	2.25	2.25
05/30/17	Jacob B. Lieberman	Collecting cases cited in Universal's brief appealing Magistrate Judge Peebles' May 4 discovery order for T. White.	0.25	0.25
05/30/17	Jacob B. Lieberman	Identifying necessary redactions in materials to be filed with the motion to allow T. Rickard to testify remotely at trial via video conference.	0.50	0.50
05/30/17	Jacob B. Lieberman	Reviewing opposition brief re: Universal's appeal of Magistrate Judge Peebles' discovery order.	0.75	0.75
05/30/17	Jacob B. Lieberman	Reviewing T. Rickard expert report.	1.25	1.25
05/30/17	Jacob B. Lieberman	Revising motion to all T. Rickard to testify remotely at trial via video conference.	0.75	0.75
05/30/17	Jacob B. Lieberman	Researching whether <b>PRIVILEGE REDACTED</b>	0.50	0.50
05/30/17	Jacob B. Lieberman	Revising T. White Declaration in support of motion to all T. Rickard to testify remotely at trial.	0.50	0.50
05/30/17	Jacob B. Lieberman	Researching whether <b>PRIVILEGE REDACTED</b>	3.50	3.50
05/30/17	Jeffrey H. Chiu	Prepared and distributed proposed response documents. Requested by Anuja Thatte (Lit Associate).	0.50	0.50
05/30/17	Thomas C. White	Revise draft brief on damages. Review Crawford documents. Revise motion on Rickard testimony. Telecon Thatte re designation issues. Revise list of stipulated facts.	4.50	4.50
05/30/17	William J. Buckingham	Reviewing production documents for missing deposition exhibits. Updating electronic records.	2.25	2.25
05/31/17	Adam R. Brebner	Prepare opposition to objections; various communications with team re brief and trial preparation; review estoppel and waiver jury instructions	3.00	3.00
05/31/17	Anuja D. Thatte	Reviewing videos proposed by Universal for down designation.	0.25	0.25
05/31/17	Anuja D. Thatte	Editing stipulation of facts per A. Brebner and T. White comments.	2.50	2.50
05/31/17	Anuja D. Thatte	Drafting jury instructions.	4.50	4.50
05/31/17	Anuja D. Thatte	Meeting with T. White and D. Tulchin re: trial strategy and deliverables.	0.50	0.50
05/31/17	Ashley I. Storey	Per J. Lieberman's request, updated materials for filing.	1.00	1.00
05/31/17	David B. Tulchin	Various trial preparation tasks; conferences with White and Thatte; conference call with Rob Crawford; confer Brebner; review new draft of our brief in opposition to Universal's objection to Peeble's decision.	5.25	5.25
05/31/17	Jacob B. Lieberman	Reviewing T. Rickard expert report.	1.00	1.00
05/31/17	Jacob B. Lieberman	Drafting letter-motion and proposed draft order to file under seal documents related to motion for T. Rickard to testify remotely via video conference.	0.50	0.50
05/31/17	Jacob B. Lieberman	Revising opposition brief re: Universal's appeal of Magistrate Judge Peebles' May 4 Order.	1.50	1.50
05/31/17	Jacob B. Lieberman	Finalizing redactions for T. Rickard motion and accompanying documents.	0.50	0.50
05/31/17	Jacob B. Lieberman	Meeting with T. White re: R. Crawford direct examination outline.	0.25	0.25

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05/31/17	Jacob B. Lieberman	Reviewing R. Crawford deposition transcript.	0.25	0.25
05/31/17	Jacob B. Lieberman	Call with Haley Bjerk, Rob Crawford, D. Tulchin and T. White re: trial testimony.	1.00	1.00
05/31/17	Jacob B. Lieberman	Reviewing T. Rickard deposition transcript.	0.50	0.50
05/31/17	Jacob B. Lieberman	Drafting R. Crawford direct examination outline.	3.75	3.75
05/31/17	Jacob B. Lieberman	Reviewing discovery orders to <b>PRIVILEGE REDACTED</b>	0.50	0.50
05/31/17	Jacob B. Lieberman	Final check of materials to be filed with the motion to allow T. Rickard to testify remotely via video conference.	0.25	0.25
05/31/17	Thomas C. White	Review Crawford transcript and create digest. Review key Crawford documents. Telecon Crawford, Bjerk, Tulchin, Lieberman re trial prep. Revise stipulations of fact. Meeting with Tulchin, Thatte. Review revisions to damages motion. Analyze damages issues and emails with Mayron re same. Create agenda for team meeting.	10.75	10.75
05/31/17	William J. Buckingham	Reviewing production documents for missing deposition exhibits, and updating electronic records. Providing produced copies of requested documents.	3.00	3.00
06/01/17	Adam R. Brebner	Prepare opposition to May 4 motion; call with team and Kaplan re trial; meet re trial preparation; various communications with team	5.75	5.75
06/01/17	Anuja D. Thatte	S&C (D. Tulchin, T. White, A. Brebner, J. Lieberman, A. Thatte) call with H. Kaplan and A. Rose re: trial and mock trial preparation.	0.50	0.50
06/01/17	Anuja D. Thatte	Biotronik team meeting re: trial preparation.	1.50	1.50
06/01/17	Anuja D. Thatte	Call with L. Jing re: statute of limitations research.	0.50	0.50
06/01/17	Cherryl J. Stephen	Research conducted in public records <b>PRIVILEGE REDACTED</b>	1.00	1.00
06/01/17	David B. Tulchin	Brief in opposition to Universal's appeal from Peebles' May 4 Order; conference call with Kaplan and Rose.	5.75	5.75
06/01/17	Jacob B. Lieberman	Call with A. Thatte re: draft jury instructions on damages.	0.25	0.25
06/01/17	Jacob B. Lieberman	Drafting R. Crawford direct examination outline.	3.25	3.25
06/01/17	Jacob B. Lieberman	Call with H. Kaplan, A. Rose, D. Tulchin, T. White, A. Brebner and A. Thatte re: motions in limine and upcoming mock jury exercise.	0.50	0.50
06/01/17	Jacob B. Lieberman	Revising opposition brief on Universal's appeal of Magistrate Judge Peebles' May 4 Order.	2.50	2.50
06/01/17	Jacob B. Lieberman	Preparing agenda for Biotronik team meeting.	0.25	0.25
06/01/17	Jacob B. Lieberman	Reviewing R. Crawford deposition and accompanying exhibits.	2.00	2.00
06/01/17	John K. Tully	Locate and pull David Tulchin pre-trial briefs for A. Thatte	0.50	0.50
06/01/17	Thomas C. White	Meetings with Jing, Folio re upcoming projects. Telecon Tulchin, Kaplan re motions in limine and preparing for mock jury. Revise agenda for team meeting. Participate in Second Circuit mediation. Review and digest Earley deposition. Telecon Bjerk re trial prep issues. Prepare for and participate in team meeting re outstanding projects. Draft and send letter to Blank re confidentiality designations.	10.50	8.50
06/01/17	William J. Buckingham	Checking for produced copies of invoices. Reviewing and updating electronic files with deposition exhibits. Creating a chronology binder of all iterations of the EPA.	6.00	6.00
06/02/17	Adam R. Brebner	Calls with trial graphics firms; various communications with team; prepare opposition to objections to May 4 opinion	6.50	6.50
06/02/17	Anuja D. Thatte	Comm'n's with S&C Library regarding <b>PRIVILEGE REDACTED</b>	0.25	0.25
06/02/17	Anuja D. Thatte	Reviewing Equipment Purchase Agreement drafting history.	0.75	0.75
06/02/17	Anuja D. Thatte	Drafting jury instructions.	0.75	0.75
06/02/17	Anuja D. Thatte	Preparing stipulation of 2d Circuit dismissal for filing.	0.25	0.00
06/02/17	Anuja D. Thatte	Comm'n's and document review re: contract negotiations for THS1b line.	1.00	1.00
06/02/17	David B. Tulchin	E-mails.	0.25	0.25
06/02/17	Jacob B. Lieberman	Revising R. Crawford direct examination outline.	1.25	1.25
06/02/17	Jacob B. Lieberman	Searching for <b>PRIVILEGE REDACTED</b>	0.25	0.25
06/02/17	Jacob B. Lieberman	E-mail correspondence with A. Brebner re: scheduling orders and trial tech firms.	0.25	0.25
06/02/17	Jacob B. Lieberman	Drafting outline of R. Crawford direct examination.	3.25	3.25

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
06/02/17	Jacob B. Lieberman	Call with T. White re: R. Crawford direct examination outline.	0.25	0.25
06/02/17	Joseph T. Boston	Obtain an Accurant report on an individual for Anuja Thatte	0.25	0.25
06/02/17	Kimberly N. Council	Search for examples of pre trial briefs submitted to Judge Gary L. Sharpe in the Northern District of New York for William Buckingham.	1.00	1.00
06/02/17	Tariq Khwaja	Search for recent edition of Leonard Sand Mordern Federal Jury Instructions civil for Anuja Thatte.	0.25	0.25
06/02/17	Thomas C. White	Review Lindner deposition and create digest. Review Earley depositions (October and July, 2015) and create digests. Review correspondence pre-dating signing of EPA. E-mails re: strategy for Lundy cross-examination. Revise draft brief re: Universal damages and e-mails with Brebner re: same. Telecon Lieberman re: Crawford cross examination.	7.25	7.25
06/02/17	William J. Buckingham	Reviewing documents to create a chronology binder of all iterations of the EPA. Preparing binder of correspondence sent between 3/7/2005 through 6/20/2007.	9.00	9.00
06/03/17	Thomas C. White	Review binder of pre-EPA correspondence.	1.75	1.75
06/03/17	William J. Buckingham	Reviewing binder of correspondence sent between 3/7/2005 through 6/20/2007 and preparing for delivery. Editing and compiling documents for a chronology binder of all iterations of the EPA.	7.00	7.00
06/04/17	Anuja D. Thatte	Reviewing Lindner deposition and drafting questions for Lindner direct examination	3.25	3.25
06/04/17	Thomas C. White	Review binder of pre-EPA party correspondence.	0.50	0.50
06/04/17	William J. Buckingham	Editing and compiling documents for a chronology binder of all iterations of the EPA.	3.25	3.25
06/05/17	Adam R. Brebner	Address filing with Second Circuit; revise response to objections; discussions with team re trial; trial planning and logistics	6.25	5.25
06/05/17	Anuja D. Thatte	Editing draft brief (Memorandum of Law in Opposition to Universal's Objections to Chief Magistrate Judge Peebles' May 4 Order).	10.00	10.00
06/05/17	Anuja D. Thatte	Filing stipulation of dismissal in Second Circuit appeal.	0.25	0.00
06/05/17	Anuja D. Thatte	Editing stipulation of uncontested facts and circulating document for review.	0.50	0.50
06/05/17	Anuja D. Thatte	Meeting re: brief in opposition to Universal's objections (participants: D. Tulchin; T. White; A. Brebner; A. Thatte).	0.75	0.75
06/05/17	Ashley I. Storey	Per A. Thatte's request, updated list of completed witness digests.	2.75	2.75
06/05/17	David B. Tulchin	Brief in opposition to Universal's appeal from M.J. Peebles' May 4 decision; confer White, Brebner and Thatte; review draft of our counter-statement of undisputed facts; e-mails about various subjects.	5.00	5.00
06/05/17	Thomas C. White	Review Subrahmanyam deposition and create digest. Meeting re: revisions to draft brief on damages issues; revise draft brief on damages issues and discussions with Brebner, Thatte re: same. Revise stipulations of uncontested fact and send to opposing counsel. Telecon Cooper, Dukelow re: strategy on <b>PRIVILEGE REDACTED</b> Review Crawford direct examination draft. Review additional research on trade secrets claims.	10.25	10.25
06/05/17	William J. Buckingham	Preparing binder of Hampton Expert Reports with exhibits. Editing and compiling documents for a chronology binder of all iterations of the EPA. Compiling court papers related to the Motion for Reconsideration.	3.25	3.25
06/06/17	Adam R. Brebner	Prepare opposition to objections to May 4 Order; various discussions with team re trial planning; attend to trial issues and research	7.25	7.25
06/06/17	Anuja D. Thatte	Editing draft brief (Memorandum of Law in Opposition to Universal's Objections to Chief Magistrate Judge Peebles' May 4 Order).	1.25	1.25
06/06/17	Anuja D. Thatte	Incorporating comments re: brief in opposition to appeal of Judge Peebles' order.	1.00	1.00
06/06/17	Anuja D. Thatte	Researching and drafting jury instructions.	8.50	8.50
06/06/17	Anuja D. Thatte	Meeting with D. Tulchin re: mock jury exercise.	0.50	0.50
06/06/17	Ashley I. Storey	Per A. Thatte's request, finalized folder of digest references.	0.75	0.75
06/06/17	David B. Tulchin	Brief in opposition to Universal's appeal from Peebles' May 4 Order; conferences with White, Brebner and Thatte; e-mails with Rose.	3.25	3.25
06/06/17	Tariq Khwaja	Search for Second Circuit secondary source setting out jury instructions for copyright infringement for Anuja Thatte.	0.25	0.25



Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
06/06/17	Thomas C. White	Revise damages brief. Review and digest DeMuth deposition. Review research re <b>PRIVILEGE REDACTED</b> Telecon Cooper, Dukelow re Rickard. Telecon Brebner re damages brief. Research re waiver issues. Emails with opposing counsel re joint pretrial order.	9.25	9.25
06/06/17	William J. Buckingham	Preparing copies of Motion for Reconsideration papers for distribution.	1.25	1.25
06/07/17	Adam R. Brebner	Finalize brief in opposition to objections to May 4 Order; numerous communications with team; prepare for trial	4.75	4.75
06/07/17	Anuja D. Thatte	Editing jury instructions.	1.50	1.50
06/07/17	Anuja D. Thatte	Editing brief in opposition to Universal's objections to Judge Peebles' Opinion and preparing document for filing.	5.00	5.00
06/07/17	Anuja D. Thatte	Drafting mock jury instructions.	2.25	2.25
06/07/17	David B. Tulchin	Brief in opposition to Universal's objections to M.J. Peebles' May 4 Order; confer Brebner re: brief; review digests of certain depositions taken in the case; working on outline of direct of Crawford; confer White; reviewing digests of deposition of Lindner and Demuth.	6.00	6.00
06/07/17	Evelyn H. Seeger	Searches for jury instructions, for Austin Mayron	0.75	0.75
06/07/17	Raffaele A. DeMarco	Telephone conference with T. White regarding copyright infringement issues. Review work for hire statutes.	1.00	1.00
06/07/17	Rita M. Carrier	Telephone conference with Tom White re: copyright issues; reviewed court papers re: same.	2.75	2.75
06/07/17	Thomas C. White	Review and finalize damages brief. Meeting with Tulchin re outstanding projects. Telecons DeMarco, Carrier, Brebner re copyright infringement analysis. Review research re witness availability. Review work for hire analysis.	7.00	7.00
06/07/17	William J. Buckingham	Updating binders of Exhibits to Summary Judgment related filings. Assist with applying redactions to court papers to be filed. Assisting with preparing binder of Depositions and Exhibits of the Liability Experts.	6.25	6.25
06/08/17	Adam R. Brebner	Research re claims; prepare for trial; prepare for mock; various communications with team re trial preparation	7.00	7.00
06/08/17	Anuja D. Thatte	Drafting outline for mock jury exercise.	5.50	5.50
06/08/17	Anuja D. Thatte	Drafting jury instructions.	2.75	2.75
06/08/17	Anuja D. Thatte	Inquiry re: Protective Order, per A. Brebner request.	0.25	0.25
06/08/17	Anuja D. Thatte	Reviewing timeline created by R. Crawford re: important dates relating to THS.	0.25	0.25
06/08/17	Darya A. Betin	Research request from Christina McClintock - researching cases and secondary sources on construing licenses for intellectual property; specifically whether a licensee can modify, sublicense, and have the licensor modify intellectual property.	1.00	1.00
06/08/17	David B. Tulchin	Reading Lindner deposition and preparing outline of a direct exam of Lindner; confer Christina McClintock and Tom Garrey (summer associates) about a research project; e-mails; confer White; other trial prep tasks.	4.00	4.00
06/08/17	Joseph T. Boston	Obtain New York Pattern Jury Instructions for Anuja Thatte	0.25	0.25
06/08/17	Marshall R. Voizard	Treatise and case law research on use in a software license meaning modification, requested by Thomas Garvey.	0.75	0.75
06/08/17	Rita M. Carrier	Research re: copyright issues; reviewed court papers re: same.	6.00	6.00
06/08/17	Thomas C. White	Revise mock jury instructions. Call with court re video testimony. Prepare for and participate in meet and confer with opposing counsel re fact stipulations. Telecon Tulchin re motions in limine, other projects. Meeting Brebner and Mayron re mock jury exercise. Telecons Kaplan re strategy.	6.75	6.75
06/08/17	William J. Buckingham	Updating set of binders of Summary Judgment exhibits.	1.00	1.00
06/09/17	Adam R. Brebner	Prepare for trial; research re claims; analyze Hooper report and testimony; call with White, Carrier, DeMarco re copyright defenses	7.50	7.50
06/09/17	Anuja D. Thatte	Tasks re: discovery down designations.	0.75	0.75
06/09/17	Anuja D. Thatte	Meeting with D. Tulchin re: mock jury presentation.	0.50	0.50
06/09/17	Anuja D. Thatte	Editing THS video voiceover per D. Tulchin comments.	0.25	0.25
06/09/17	Anuja D. Thatte	Edits re: mock jury exercise draft outline.	0.50	0.50

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
06/09/17	Anuja D. Thatte	Meeting with D. Tulchin re: mock jury exercise and videos proposed for down designation.	0.75	0.75
06/09/17	Anuja D. Thatte	Drafting outline for mock jury exercise.	1.50	1.50
06/09/17	David B. Tulchin	Many trial prep tasks; meeting with Thatte about down designations of video and presentation to mock jury; review and revise audio portion of videotape to be used by Saidi at trial; consider what motions in limine to make; revise "opening" for mock jury; confer Thatte.	3.50	3.50
06/09/17	Raffaele A. DeMarco	Review materials relating to the litigation. Review research concerning implied license and conference with R. Carrier regarding same. Telephone conference with T. White regarding copyright infringement issues.	3.75	3.75
06/09/17	Rita M. Carrier	Research re: copyright issues; reviewed court papers re: same; telephone conference with Raff DeMarco re: same; conference call with Tom White, Adam Brebner, and Raff DeMarco re: same.	7.50	7.50
06/09/17	Thomas C. White	Revise draft mock jury instructions and circulate. Research jury Instructions. Telecon Brebner re strategy on infringement issues. Revise mock jury presentation. Telecon Carrier, DeMarco, Brebner, Mayron re <span style="background-color: black; color: black;">PRIVILEGE REDACTED</span>	8.75	8.75
06/09/17	William J. Buckingham	Compiling examples of Direct Examination Outlines from previous jury trials. Assisting with compiling court filings for the Written Discovery binder.	4.25	4.25
06/10/17	Adam R. Brebner	Review mock jury materials and comment re same; review Hooper materials	1.25	1.25
06/10/17	Anuja D. Thatte	Drafting mock jury verdict form.	0.50	0.50
06/10/17	Anuja D. Thatte	Drafting Lindner direct examination outline.	1.00	1.00
06/10/17	Anuja D. Thatte	Drafting neutral overview for mock jury exercise.	0.50	0.50
06/10/17	Thomas C. White	Revise mock jury instructions. Revise verdict form. Revise neutral overview. Review pre-EPA party communications. Emails with Brebner, Thatte re strategy.	5.25	5.25
06/11/17	Adam R. Brebner	Review mock jury materials and comment re same; review Hooper materials	0.75	0.75
06/11/17	Anuja D. Thatte	Editing mock jury preparation documents per T. White request.	1.00	1.00
06/11/17	Thomas C. White	Review pre-EPA party communications. Revise chronology of key documents. Revise mock jury instructions and verdict form. Draft presentation for mock jury exercise.	5.50	5.50
06/12/17	Adam R. Brebner	Prepare mock jury materials; various communications with team; coordinate trial logistics; prepare for trial	6.25	6.25
06/12/17	Anuja D. Thatte	Meeting with D. Tulchin, T. White, A. Brebner re: mock trial and trial prep.	0.75	0.75
06/12/17	Anuja D. Thatte	Editing Lindner direct examination outline.	2.00	2.00
06/12/17	Anuja D. Thatte	Reviewing Hampton deposition.	0.50	0.50
06/12/17	Anuja D. Thatte	Editing jury instructions for mock jury exercise, per D. Tulchin comments.	2.50	2.50
06/12/17	Anuja D. Thatte	Editing stipulations of fact.	1.50	1.50
06/12/17	Anuja D. Thatte	Editing Lindner direct examination outline.	1.25	1.25
06/12/17	David B. Tulchin	Revise neutral instructions to mock jury; revise final jury instructions to mock jury; revise verdict form for mock jury; begin to read deposition of Saidi; confer Tom Garvey and Christina McClintock (summer associates) about their research; confer White, Brebner and Thatte.	3.25	3.25
06/12/17	Sean S. Whalen	Per A. Thatte, prepared three sets of responses e-binder for W. Buckingham.	0.50	0.50
06/12/17	Thomas C. White	Revise presentation for mock jury exercise. Revise mock jury instructions, verdict form, overview. Review Watson deposition digest. Telecon Brebner re: strategy, trial graphics team. Review research re: statute of limitations issues. Outline pretrial brief. Meeting with Thatte, Brebner, Tulchin re: outstanding projects, strategy. E-mail with opposing counsel re: joint stipulation of facts. Revise draft joint stipulation of facts.	8.75	8.75



Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
06/12/17	William J. Buckingham	Compling documents requested to be added to the chronology. Preparing Written Discovery binder, and assisting with the preparation of copies for distribution.	6.75	6.75
06/13/17	Adam R. Brebner	Review evidence and documents; prepare materials for mock jury presentation; review Hooper deposition; call with Trial Graphics; numerous communications with team re trial preparation	8.50	8.50
06/13/17	Anuja D. Thatte	Editing response to stipulations of fact per T. White request.	0.75	0.75
06/13/17	Anuja D. Thatte	Editing Lindner direct examination outline.	4.75	4.75
06/13/17	Anuja D. Thatte	Editing response to stipulations of fact per T. White request (cont'd).	1.25	1.25
06/13/17	Anuja D. Thatte	Editing mock jury preparation documents per T. White and A. Brebner request.	0.50	0.50
06/13/17	David B. Tulchin	Continue reading the two depositions of Said Saidi; various other trial prep tasks.	3.75	3.75
06/13/17	Thomas C. White	Revise mock jury presentation with key documents. Attention to graphics specialist issues. Review research re: diversity of citizenship and update Tulchin. Telecon Salmon Consulting re: upcoming mock jury exercise. Revise draft jury instructions, verdict form, case overview. Outline motion in limine re: "theft" of source codes.	7.00	7.00
06/13/17	William J. Buckingham	Reviewing production for several documents requested to be added to the Chronology of Important Documents, and potentially to the Trial Exhibits collection.	2.25	2.25
06/14/17	Adam R. Brebner	Review basis for exclusion of expert testimony; <b>PRIVILEGE REDACTED</b> review and comment on mock jury materials; meet with J. Haase (trial graphics) with T. White; review Universal letter motion; various communications with team re foregoing and trial preparation	6.50	6.50
06/14/17	Anuja D. Thatte	Editing and research re: stipulated facts for transmittal to opposing counsel.	0.75	0.75
06/14/17	Anuja D. Thatte	Editing stipulated facts per T. White edits.	0.75	0.75
06/14/17	Anuja D. Thatte	Drafting re: stipulated facts and mock jury materials.	2.00	2.00
06/14/17	Anuja D. Thatte	Meeting with T. White re: edits to mock jury neutral overview, jury instructions, and verdict form.	1.00	1.00
06/14/17	Anuja D. Thatte	Reviewing Hampton deposition.	0.50	0.50
06/14/17	Anuja D. Thatte	Meeting with D. Tulchin and J. Lieberman re: mock trial.	0.75	0.75
06/14/17	David B. Tulchin	Revise mock jury neutral presentation and jury instructions and verdict form; revise our response to Universal's request to stipulate to facts; conferences about the mock trial and other matters; read memo by Tom Garvey, summer associate; telcon Bjerk; read letter from Universal to the Court.	7.50	7.50
06/14/17	Jacob B. Lieberman	Reviewing outline for mock jury presentation.	0.75	0.75
06/14/17	Jacob B. Lieberman	Call with Bruce Blacker, D. Tulchin and T. White re: damages trial testimony.	0.25	0.25
06/14/17	Jacob B. Lieberman	Drafting e-mail summary to D. Tulchin on contract provisions related to <b>PRIVILEGE REDACTED</b>	0.75	0.75
06/14/17	Jacob B. Lieberman	Reviewing contractual documents to <b>PRIVILEGE REDACTED</b>	1.00	1.00
06/14/17	Jacob B. Lieberman	Meeting with A. Thatte re: slides for mock jury presentation.	0.50	0.50
06/14/17	Jacob B. Lieberman	Researching case law on excluding a summary judgment decision from trial.	2.25	2.25
06/14/17	Raffaele A. DeMarco	Telephone confereence with T. White regarding copyright infringement issues. Review complaint and motion papers. Conference with R. Carrier regarding copyright issues.	3.00	3.00
06/14/17	Rita M. Carrier	Legal research re: standards for <b>PRIVILEGE REDACTED</b>	2.25	2.25
06/14/17	Thomas C. White	Meeting with Haase (Graphics), Brebner. Revise mock jury instructions and telecons Tulchin, team re same. Meeting with Thatte re same. Review memo re <b>PRIVILEGE REDACTED</b> Telecon H Kaplan re strategy. Telecon Bjerk, Tulchin re trial prep. Review letter from Blank to court re joint pretrial stipulation. Telecon Tulchin re response. Draft response.	10.50	10.50

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06/14/17	William J. Buckingham	Reviewing production for several documents requested to be added to the Chronology of Important Documents, and potentially to the Trial Exhibits collection.	2.50	2.50
06/15/17	Adam R. Brebner	Prepare for mock jury exercise; address research re motions in limine; numerous communications with team re preparation for trial and pretrial materials	5.50	5.50
06/15/17	Anuja D. Thatte	Research in response to C. Blank letter regarding stipulated facts, per T. White request.	1.50	1.50
06/15/17	Anuja D. Thatte	Drafting mock jury powerpoint with J. Lieberman.	11.00	11.00
06/15/17	Anuja D. Thatte	Reviewing documents in Relativity database per T. White request.	0.50	0.50
06/15/17	Anuja D. Thatte	Meeting with D. Tulchin and J. Lieberman re: mock trial.	1.00	1.00
06/15/17	David B. Tulchin	Various trial prep tasks and conferences; including outline for direct of Saidi; conferences; read Sharpe's decision rejecting Universal's motion for a pretrial conference about the stipulated undisputed facts; call with Bruce Blacker.	7.00	7.00
06/15/17	Jacob B. Lieberman	Meeting with D. Tulchin and A. Thatte re: mock jury presentation PowerPoint.	1.00	1.00
06/15/17	Jacob B. Lieberman	E-mail correspondence with A. Rose re: T. Rickard trial testimony.	0.25	0.25
06/15/17	Jacob B. Lieberman	Drafting slides for mock jury presentation.	12.25	12.25
06/15/17	Jacob B. Lieberman	Researching exclusion of damages expert testimony and opinions under Daubert.	1.75	1.75
06/15/17	Melissa Caprio-Lopez	Print documents for William Buckingham - Attorney J. Lieberman	0.50	0.50
06/15/17	Michael D. Pearson	Research with regard to decisions in the 2nd Circuit involving motions in limine to preclude prior summary judgment. Requested by Jacob Lieberman.	1.00	1.00
06/15/17	Rita M. Carrier	Research re: <b>PRIVILEGE REDACTED</b>	5.00	5.00
06/15/17	Thomas C. White	Draft letter to court in response to plaintiff's request for a conference. Revise mock jury materials. Revise mock jury presentation. Outline pretrial brief. Telecon Tulchin re strategy. Telecon Jing re statute of limitations issues.	8.75	8.75
06/15/17	William J. Buckingham	Preparing copies of exhibits for review. Reviewing Plaintiff production for copies of flowcharts and coding. Reviewing production for produced versions of selected presentations.	2.25	2.25
06/16/17	Adam R. Brebner	Meet with White and Mayron re prepare for mock trial; various communications re mock trial and trial preparation; assist with prepare for trial	5.50	5.50
06/16/17	Anuja D. Thatte	Reviewing deposition digests for use in mock jury presentation.	3.00	3.00
06/16/17	Anuja D. Thatte	Editing jury instructions.	0.50	0.50
06/16/17	David B. Tulchin	Review of first draft of slides for plaintiff for mock trial; e-mails with team; begin to review documents pertinent to Saidi testimony.	2.75	2.75
06/16/17	Evelyn H. Seeger	Docket search, and search for orders by judge, on Westlaw, for Thomas Garvey.	0.50	0.50
06/16/17	Jacob B. Lieberman	Identifying additional evidence and exhibits for inclusion in mock jury presentation.	5.00	5.00
06/16/17	Jacob B. Lieberman	Researching exclusion of damages expert theories that are unsupported by evidence.	0.75	0.75
06/16/17	Jeffrey G. Eigen	At the request of Anuja Thatte: creation of a pdf zip folder of Biotronik Deposition Digests.	1.00	1.00
06/16/17	John K. Hancock	Update evidence records with new documents	0.25	0.25
06/16/17	John K. Hancock	Create DVDs of video files per request from A. Thatte and W. Buckingham	1.50	1.50
06/16/17	Rita M. Carrier	Research re: <b>PRIVILEGE REDACTED</b> email to Tom White re: same.	3.50	3.50
06/16/17	Thomas C. White	Revise presentation for mock jury exercise. Meetings with Mayron and Brebner re: same. Review list of drafts motion in limine. Review trade secrets, statute of limitation research. Telecons H. Kaplan re: strategy.	8.00	8.00
06/16/17	William J. Buckingham	Putting together requested copies of Statement of Facts. Assisting with preparation of DVDs or recent video clips for distribution to team.	1.25	1.25
06/17/17	Adam R. Brebner	Various email with team re July 3 submissions	0.25	0.25
06/17/17	Anuja D. Thatte	Editing Powerpoint for mock jury presentation with J. Lieberman.	8.00	8.00
06/17/17	David B. Tulchin	E-mails.	0.25	0.25

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
06/17/17	Jacob B. Lieberman	Drafting new outline for mock jury presentation.	1.00	1.00
06/17/17	Jacob B. Lieberman	Revising mock jury presentation PowerPoint based on comments from D. Tulchin.	9.75	9.75
06/17/17	Thomas C. White	Draft pre-trial brief. Revise mock jury presentation.	7.00	7.00
06/18/17	Adam R. Brebner	Review Universal liability expert report and materials re preparation for trial and motions in limine	3.75	3.75
06/18/17	Anuja D. Thatte	Research re: judicial estoppel.	0.50	0.50
06/18/17	Anuja D. Thatte	Editing powerpoint for mock jury presentation.	3.25	3.25
06/18/17	Jacob B. Lieberman	Revising slides for mock jury presentation.	1.25	1.25
06/18/17	Jacob B. Lieberman	Researching the standard for excluding a damages expert's testimony under Daubert.	0.25	0.25
06/18/17	Jacob B. Lieberman	Drafting motion in limine to exclude at trial certain rulings from summary judgment.	2.00	2.00
06/18/17	Thomas C. White	Draft pre-trial brief. Team emails re same.	6.50	6.50
06/19/17	Adam R. Brebner	Review Wolfe report and testimony; prepare for trial; prepare for mock jury exercise; meet with Lieberman re MILs; various communications with team	6.75	6.75
06/19/17	Anuja D. Thatte	Email to M. Christiansen re: DeMuth deposition.	0.25	0.25
06/19/17	Anuja D. Thatte	Meeting with J. Lieberman and D. Tulchin re: mock jury slides.	1.00	1.00
06/19/17	Anuja D. Thatte	Editing jury instructions.	1.00	1.00
06/19/17	Anuja D. Thatte	Researching record re: pre-trial brief.	5.00	5.00
06/19/17	Anuja D. Thatte	Editing mock jury drafts per A. Rose comments.	0.50	0.50
06/19/17	Anuja D. Thatte	Meeting with T. White and J. Lieberman re: trial preparation.	0.50	0.50
06/19/17	Ashley I. Storey	Per J. Lieberman's request, began compiling list of potential trial exhibits.	6.50	6.50
06/19/17	David B. Tulchin	Work on slides and presentation for the June 27 mock jury exercise; confer White; other trial prep tasks; revise White's draft of memo responding to Joan Schmidt's e-mail of earlier today about a memo to Biotronik executives in Germany.	6.00	6.00
06/19/17	Jacob B. Lieberman	Meeting with A. Brebner re: outlines for motions in limine.	0.75	0.75
06/19/17	Jacob B. Lieberman	Meeting with D. Tulchin and A. Thatte re: mock jury PowerPoint presentation.	0.75	0.75
06/19/17	Jacob B. Lieberman	Drafting motion in limine re: damages.	2.00	2.00
06/19/17	Jacob B. Lieberman	Drafting outline for motion in limine on damages.	1.25	1.25
06/19/17	Jacob B. Lieberman	E-mail correspondence with R. Folio re: research into judicial estoppel and judicial admissions doctrines.	0.25	0.25
06/19/17	Jacob B. Lieberman	Meeting with T. White and A. Thatte re: upcoming projects.	0.25	0.25
06/19/17	Jacob B. Lieberman	Researching <b>PRIVILEGE REDACTED</b>	0.75	0.75
06/19/17	Jacob B. Lieberman	Reviewing Hampton's damages reports and deposition testimony to identify <b>PRIVILEGE REDACTED</b>	4.25	4.25
06/19/17	Melissa Caprio-Lopez	Print documents for William Buckingham - Attorney A. Thatte	0.50	0.50
06/19/17	Rita M. Carrier	Research re: <b>PRIVILEGE REDACTED</b> work on email to Tom White re: same.	7.75	7.75
06/19/17	Thomas C. White	Revise pretrial brief. Revise mock jury presentation. Review draft jury instructions. Revise mock jury instructions. Meet and confer with plaintiff re Rickard issues. Draft memo to client concerning overall strategy and next steps.	7.25	7.25
06/19/17	William J. Buckingham	Updating the Written Discovery binder. Assisting with preparation of the Trial Exhibits List. Updating the Chronology binder.	5.00	5.00
06/20/17	Adam R. Brebner	Prepare for trial; analyze Wolfe report and review deposition; assess motions in limine; numerous communications with team; review proposed voir dire questions	6.50	6.50
06/20/17	Anuja D. Thatte	Editing mock jury drafts per D. Tulchin comments.	0.50	0.50
06/20/17	Anuja D. Thatte	Drafting jury instructions.	2.50	2.50
06/20/17	Anuja D. Thatte	Tasks re: mock jury preparation.	1.00	1.00
06/20/17	Anuja D. Thatte	Reviewing THS videos.	0.25	0.25
06/20/17	Anuja D. Thatte	Editing mock jury presentation with J. Lieberman.	7.25	7.25
06/20/17	Anuja D. Thatte	Drafting jury instructions.	1.25	1.25

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
06/20/17	Ashley I. Storey	Per J. Lieberman's request, compiled potential trial exhibit list documents.	5.50	5.50
06/20/17	Darya A. Betin	Research request from Mr. Thomas White - researching precedent motions in limine preventing arguments that computer software was stolen, or preventing the use of inflammatory evidence.	1.50	1.50
06/20/17	David B. Tulchin	Continued work on slides for mock trial; review and revise drafts of neutral overview, jury instructions and verdict form for mock jury exercise; review latest version of videotape from Saidi; continued revisions on the memo to Ms. Schmidt concerning MSEI's "exposure" and other matters; continued trial prep tasks.	6.25	6.25
06/20/17	Jacob B. Lieberman	Researching prior exclusion of damages experts in copyright and trade secrets case.	3.50	3.50
06/20/17	Jacob B. Lieberman	Drafting motion in limine re: damages.	3.00	3.00
06/20/17	Jacob B. Lieberman	Revising mock jury presentation for additional comments from D. Tulchin.	8.50	8.50
06/20/17	Jacob B. Lieberman	Revising motion in limine re: summary judgment decision.	0.25	0.25
06/20/17	Rita M. Carrier	Research re: <b>PRIVILEGE REDACTED</b> email to Tom White re: same.	3.75	3.75
06/20/17	Thomas C. White	Telecon Bjerk re: case management issues. Telecon H. Kaplan re: strategy and case management issues. Revise presentation for mock jury exercise. Revise memorandum to J. Schmidt and e-mails with Tulchin re: same. Revise draft pretrial brief. Telecon Brebner, Lieberman, Thatte re: outstanding projects.	10.25	10.25
06/20/17	William J. Buckingham	Preparing updates for the Chronology binder. Assisting with preparing the Defendant's Trial Exhibits List.	10.25	10.25
06/21/17	Adam R. Brebner	Review liability expert materials; various communications with team re pretrial matters and preparation for mock jury; meet with T. White and J. Haase (Immersion) re prepare mock jury presentation; meet with team re trial preparation; prepare motion in limine re Hooper and Wolfe	7.50	7.50
06/21/17	Anuja D. Thatte	Meeting with D. Tulchin; T. White; A. Brebner; and J. Lieberman re: trial preparation.	1.00	1.00
06/21/17	Anuja D. Thatte	Editing mock jury slides.	4.25	4.25
06/21/17	Anuja D. Thatte	Editing ppt for mock jury presentation with J. Lieberman.	5.00	5.00
06/21/17	David B. Tulchin	Continued work on the presentation for the mock trial; other trial prep tasks; team meeting; separate conference with White.	8.50	8.50
06/21/17	Jacob B. Lieberman	Meeting with D. Tulchin and A. Thatte re: mock jury presentation.	0.50	0.50
06/21/17	Jacob B. Lieberman	Drafting motion in limine re: damages.	0.25	0.25
06/21/17	Jacob B. Lieberman	Revising mock jury PowerPoint based on comments from D. Tulchin.	8.50	8.50
06/21/17	Jacob B. Lieberman	Revising motion in limine re: summary judgment decision of Bruce Blacker's prior reports and testimony.	2.00	2.00
06/21/17	Jacob B. Lieberman	Meeting with D. Tulchin, T. White, A. Brebner and A. Thatte re: pre-trial submissions.	1.25	1.25
06/21/17	James H. Shih	Reviewed relevant background materials; began research for motion in limine re: validity issue.	3.25	3.25
06/21/17	Nicholas J. Loftus	Pulled Motion in Limine precedent from another case to facilitate preparation by J. Shih	0.50	0.50
06/21/17	Thomas C. White	Meeting with Brebner, Mayron re revising mock jury presentation. Revise draft trial brief. Team meeting re outstanding projects. Telecon Tulchin re: outstanding projects. Telecon <b>PRIVILEGE REDACTED</b>	10.25	10.25
06/21/17	William J. Buckingham	Updating the Chronology binder. Preparing hard copies of updated materials. Assisting with preparation of the Trial Exhibits List. Compiling copies of all produced source code documents.	8.25	8.25
06/22/17	Adam R. Brebner	Prepare motion in limine re trade secrets and plaintiff's technical experts; motion in limine re summary judgment decision; prepare for mock jury presentation (meet with T. White and J. Haase (Immersion)); various communications with team	8.25	8.25
06/22/17	Anuja D. Thatte	Revising mock jury presentation.	2.25	2.25
06/22/17	Anuja D. Thatte	Meeting with J. Lieberman and D. Tulchin re: mock jury slides.	1.00	1.00
06/22/17	Anuja D. Thatte	Editing jury instructions.	5.00	5.00

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
06/22/17	Anuja D. Thatte	Inputting edits into mock jury presentation.	0.50	0.50
06/22/17	Anuja D. Thatte	Revising neutral statement and related mock jury drafts.	0.25	0.25
06/22/17	Collin R. Riggs	Revised trial exhibit list.	3.00	3.00
06/22/17	David B. Tulchin	Slides for mock trial; other trial prep tasks; conferences.	7.00	7.00
06/22/17	Jacob B. Lieberman	Researching <b>PRIVILEGE REDACTED</b> under New York law.	1.00	1.00
06/22/17	Jacob B. Lieberman	Revising slides for mock jury presentation.	4.00	4.00
06/22/17	Jacob B. Lieberman	Drafting motion in limine re: damages and Hampton reports.	3.75	3.75
06/22/17	Jacob B. Lieberman	Reviewing draft exhibit list.	0.50	0.50
06/22/17	Jacob B. Lieberman	Meeting with D. Tulchin and A. Thatte re: mock jury presentation slides.	1.00	1.00
06/22/17	James H. Shih	Drafted motion in limine re: validity.	3.75	3.75
06/22/17	James H. Shih	Supervised summer associate research on issues in motion in limine re: validity.	0.75	0.75
06/22/17	James H. Shih	Call with A. Thatte re: motions in limine.	0.25	0.25
06/22/17	James H. Shih	Revisions of and additional research for motion in limine re: "theft" issue.	3.75	3.75
06/22/17	Thomas C. White	Revise draft pretrial brief. Meeting Haase, Brebner, Mayron re revisions to mock jury presentation. Telecon and confs Lieberman, Thatte re outstanding projects. Review statute of limitations research.	9.75	9.75
06/22/17	William J. Buckingham	Assisting with preparing draft of Trial Exhibit List. Preparing hard copies of Chronology binder updates.	8.75	8.75
06/23/17	Adam R. Brebner	Prepare papers for filing on July 3 (motions in limine, jury instructions); various communications with team; prepare for mock jury exercise	8.00	8.00
06/23/17	Anuja D. Thatte	Editing pre-trial brief.	1.50	1.50
06/23/17	Anuja D. Thatte	Drafting pre-trial brief.	2.00	2.00
06/23/17	Anuja D. Thatte	Editing mock trial presentation.	4.00	4.00
06/23/17	Anuja D. Thatte	Editing mock jury drafts (neutral overview, jury instructions, verdict form).	0.25	0.25
06/23/17	Anuja D. Thatte	Editing jury instructions.	3.00	3.00
06/23/17	Cherryl J. Stephen	Research conducted on <b>PRIVILEGE REDACTED</b> for Anuja Thatte.	0.75	0.75
06/23/17	Collin R. Riggs	Pulled and prepared trial exhibit documents for attorney review.	6.00	6.00
06/23/17	David B. Tulchin	Mock trial and prep for trial, including e-mails and conferences; revise two draft motions in limine.	4.50	4.50
06/23/17	Evelyn H. Seeger	Search for date of purchase for Anuja Thatte.	0.25	0.25
06/23/17	Jacob B. Lieberman	Reviewing research compiled by summer associates to support motion in limine to exclude references to summary judgment decision and expert opinions from the dismissed action.	2.25	2.25
06/23/17	Jacob B. Lieberman	Reviewing and revising draft exhibit list.	1.00	1.00
06/23/17	Jacob B. Lieberman	Drafting motion in limine re: damages calculations.	3.50	3.50
06/23/17	Jacob B. Lieberman	Revising PowerPoint presentation for mock jury exercise.	2.00	2.00
06/23/17	Jacob B. Lieberman	Revising motion in limine to preclude references to the summary judgment decision and expert opinions related to the dismissed action.	1.25	1.25
06/23/17	James H. Shih	Coordinated delivery of draft motions in limine to DBT.	0.25	0.25
06/23/17	James H. Shih	Supervised additional research by summer associates on motions in limine.	0.50	0.50
06/23/17	James H. Shih	Revised draft motion in limine regarding the term "theft."	4.00	4.00
06/23/17	James H. Shih	Revisions of motion in limine re: validity issue.	1.50	1.50
06/23/17	Marshall R. Voizard	Research on motions in limine that precluding language such as theft or stealing in a copyright dispute, requested by Thomas Garvey.	0.50	0.50
06/23/17	Thomas C. White	Revise trial brief. Telecons Thatte re same. Revise mock jury presentation. Review draft motions in limine and comment. Review mock jury instructions. Telecon A Rose re mock jury exercise. Telecon H Kaplan re mock jury exercise. Telecon Brebner re same. Conf Lieberman re Daubert motion. Telecon Bjerk re strategy.	9.00	9.00
06/23/17	William J. Buckingham	Assist with preparing the final draft of the Trial Exhibits List. Preparing hard copy of the Trial Exhibits. Updating hard copies of Chronology binders. Updating Trial Exhibit List with deposition transcript citations for all included deposition exhibits.	9.00	9.00

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
06/24/17	Adam R. Brebner	Prepare motions in limine; various communications with team re trial preparation	1.25	1.25
06/24/17	Anuja D. Thatte	Editing pre-trial brief.	13.00	13.00
06/24/17	David B. Tulchin	Review Universal's proposed undisputed facts; e-mails with team about a possible new motion in limine; final review of some of the mock trial exhibits.	1.00	1.00
06/24/17	Jacob B. Lieberman	Drafting and researching motion in limine re: damages.	10.50	10.50
06/24/17	Thomas C. White	Revise draft pretrial brief.	0.50	0.50
06/24/17	William J. Buckingham	Updating Trial Exhibit List with deposition transcript citations for all included deposition exhibits.	5.50	5.50
06/25/17	Adam R. Brebner	Prepare motions in limine; various communications with team re trial preparation	4.00	4.00
06/25/17	Anuja D. Thatte	Editing pre-trial brief.	5.75	5.75
06/25/17	Anuja D. Thatte	Editing pre-trial brief.	5.25	5.25
06/25/17	Anuja D. Thatte	Call with H. Kaplan, D. Tulchin, J. Lieberman re: mock jury slides.	0.25	0.25
06/25/17	David B. Tulchin	Reviewing slides for mock trial, and conference call with Howie Kaplan, Lieberman and Thatte about same; other trial preparation matters.	2.25	2.25
06/25/17	Jacob B. Lieberman	Call with Howie Kaplan, D. Tulchin and A. Thatte re: mock jury presentation.	0.50	0.50
06/25/17	Jacob B. Lieberman	Drafting and researching Daubert motion on Universal's damages expert.	7.50	7.50
06/25/17	Thomas C. White	Revise draft pre-trial brief. Revise draft slide deck for mock jury presentation.	4.50	4.50
06/25/17	William J. Buckingham	Updating Trial Exhibit List with deposition transcript citations for all included deposition exhibits.	5.50	5.50
06/26/17	Adam R. Brebner	Review/revise pretrial brief; prepare for mock jury exercise; review/revise motions in limine; various communications with team; travel to Albany for mock jury exercise	9.75	4.875
06/26/17	Anuja D. Thatte	Drafting voir dire.	0.25	0.25
06/26/17	Anuja D. Thatte	Editing slides and preparing for mock jury presentation.	1.50	1.50
06/26/17	Anuja D. Thatte	Tasks re: mock jury preparation.	0.50	0.50
06/26/17	Anuja D. Thatte	Editing pre-trial brief	0.25	0.25
06/26/17	Anuja D. Thatte	[Travel time - train from NYC to Albany.]	3.25	1.625
06/26/17	Anuja D. Thatte	Editing pre-trial brief.	2.75	2.75
06/26/17	Collin R. Riggs	Updated trial exhibit list with references to deposition transcripts.	8.25	8.25
06/26/17	David B. Tulchin	Many tasks for trial prep and also to comment on jury questionnaire for mock trial; draft memo to Joan Schmidt in response to questions from Dr. Kunze; conferences with the team; revisions to second draft of some of the motions in limine.	8.00	8.00
06/26/17	Jacob B. Lieberman	Revising mock jury presentation slides; discussions with Howie Kaplan re: same.	1.50	1.50
06/26/17	Jacob B. Lieberman	Travel to Albany for mock jury exercise.	3.25	1.625
06/26/17	Jacob B. Lieberman	Meeting with D. Tulchin, T. White re: motions in limine.	0.75	0.75
06/26/17	Jacob B. Lieberman	Revising damages motion in limine based on comments from A. Brebner.	5.00	5.00
06/26/17	Jacob B. Lieberman	Call with D. Tulchin re: draft exhibit list; follow-up e-mails re: same.	0.50	0.50
06/26/17	James H. Shih	Meeting with D. Tulchin, T. White, and J. Lieberman to discuss motions in limine and summary judgment motion.	0.75	0.75
06/26/17	Sean S. Whalen	Per A. Thatte, prepared three copies of exhibits for W. Buckingham.	0.50	0.50
06/26/17	Thomas C. White	Revise trial brief. Edit mock jury presentation. Rehearse mock jury presentation. Conf Lieberman re damages issues. Meeting Tulchin, Shih, Lieberman re motions in limine. Review memo to J Schmidt re Exposure analysis and telecon Tulchin re same. Travel to Albany.	13.25	6.625
06/26/17	William J. Buckingham	Assisting with compiling and preparing hard copies of exhibits to be used in Mock Jury Trial. Assisting with updating the Trial Exhibit List with deposition transcript citations for all included deposition exhibits.	9.50	9.50
06/27/17	Adam R. Brebner	Prepare for and attend mock jury exercise; attend to motions in limine and trial brief; return to NY	12.25	6.125



Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
06/27/17	Ahmed A. Mian	3 Data processing Qc requests for COC# 023109.00001.0001, COC# 023109.00001.0003 and COC# 023109.00001.0002 request completed assigned by Jimmy Phan.	1.25	1.25
06/27/17	Anuja D. Thatte	Drafting summary of mock jury exercise.	0.25	0.25
06/27/17	Anuja D. Thatte	Editing jury instructions.	3.00	3.00
06/27/17	Anuja D. Thatte	Participating in mock jury exercise in Albany.	9.50	9.50
06/27/17	David B. Tulchin	Review and revise first draft of our trial brief; other trial preparation tasks; review and comment on MTA's draft motion in limine; read Sharpe's decision affirming Peebles' May 4 Order; memo to Schmidt and Bjerk about Sharpe's decision today about damages.	6.50	6.50
06/27/17	Jacob B. Lieberman	Revising motion in limine re: damages calculations; legal research re: same.	7.25	7.25
06/27/17	Jacob B. Lieberman	Attending mock jury exercise in Albany.	9.50	9.50
06/27/17	James H. Shih	Reviewed chronology on provision of source codes and underlying documents.	1.00	1.00
06/27/17	Joseph T. Boston	Obtain a journal through inter-library loan or purchase for William Buckingham	0.25	0.25
06/27/17	Thomas C. White	Revise slides for mock jury exercise. Rehearse presentation. Participate in mock jury exercise. Conf Bjerk re same, strategy. Confs Kaplan, Andy Rose, team re jury themes and next steps. Review Tulchin comments on draft trial brief.	13.50	13.50
06/27/17	William J. Buckingham	Updating Trial Exhibit List with deposition transcript citations for all included deposition exhibits. Compiling and logging additional exhibits to the Trial Exhibit List.	6.25	6.25
06/28/17	Adam R. Brebner	Team meeting re trial preparation, exhibits, motions in limine; review and draft motions in limine; assist with jury instructions and preparation of trial brief; various communications with team re same	10.50	10.50
06/28/17	Anuja D. Thatte	Editing pre-trial brief.	7.50	7.50
06/28/17	Anuja D. Thatte	Biotronik team meeting.	1.00	1.00
06/28/17	Anuja D. Thatte	Editing pre-trial brief.	2.00	2.00
06/28/17	Anuja D. Thatte	Editing jury instructions.	2.25	2.25
06/28/17	Anuja D. Thatte	Editing pre-trial brief.	2.25	2.25
06/28/17	Ashley I. Storey	Per J. Lieberman's request, updated trial exhibit list.	3.00	3.00
06/28/17	Ashley I. Storey	Per J. Lieberman's request, updated chronology binders.	5.25	5.25
06/28/17	Cherryl J. Stephen	Research conducted to locate jury instructions in NY state cases that addressed <b>PRIVILEGE REDACTED</b> for Thomas Garvey.	1.00	1.00
06/28/17	Collin R. Riggs	Per J. Lieberman request, revised trial exhibit list.	5.00	5.00
06/28/17	David B. Tulchin	Work on jury instructions; conferences with team; other trial prep tasks; meet-and-confer call with Universal's lawyers (Meola, Baranowski and Blank), Kaplan and Rose; revise new drafts of several motions in limine.	7.00	7.00
06/28/17	Jacob B. Lieberman	Revising motion in limine re: actual damages and Hampton opinions based on comments from A. Brebner.	4.25	4.25
06/28/17	Jacob B. Lieberman	Call with A. Rose and A. Thatte re: formatting of exhibit list and witness lists, jury questionnaires and voir dire, and logistics for July 3rd filing.	0.75	0.75
06/28/17	Jacob B. Lieberman	Preparing materials for July 3 filing.	0.50	0.50
06/28/17	Jacob B. Lieberman	Revising motion in limine re: summary judgment decision and expert reports from the now-dismissed action (1); legal research re: same (2).	3.00	3.00
06/28/17	Jacob B. Lieberman	Preparing draft of trial exhibit list.	5.25	5.25
06/28/17	Jacob B. Lieberman	Meeting with D. Tulchin, T. White, A. Brebner and A. Thatte re: pretrial brief, motions in limine and trial exhibit list.	1.25	1.25
06/28/17	James H. Shih	Revised motions in limine.	4.00	4.00
06/28/17	Thomas C. White	Review Tulchin comments and edits to trial brief. Team meeting re outstanding projects. Revise draft trial brief and confs Thatte re same. Meet and confer with opposing counsel. Telecon Mayron re special damages research. Review proposed jury instructions. Telecon Brebner re damages issues. Draft letter re witness list, exhibit list. Revise draft verdict form. Review mock jury deliberations and portions of presentation.	9.50	9.50

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
06/28/17	William J. Buckingham	Assisting with preparing draft of Trial Exhibits List to be given to opposing counsel. Compiling additional potential exhibits for the Trial Exhibits List. Preparing hard copy updates for Chronology binders.	10.50	10.50
06/29/17	Adam R. Brebner	Prepare motions in limine and other pretrial papers; numerous communications with team and co-counsel re preparation of pretrial papers	10.00	10.00
06/29/17	Anuja D. Thatte	Editing pre-trial brief.	5.75	5.75
06/29/17	Anuja D. Thatte	Editing pre-trial brief.	2.50	2.50
06/29/17	Anuja D. Thatte	Editing pre-trial brief (cont'd).	1.50	1.50
06/29/17	Ashley I. Storey	Per J. Lieberman's request, finalized updates of chronology binders.	3.00	3.00
06/29/17	Ashley I. Storey	Per J. Lieberman's request, created cross reference of plaintiff and defendants' proposed trial exhibits lists.	3.25	3.25
06/29/17	Collin R. Riggs	Per J. Lieberman request, reviewed plaintiff's exhibit list and created cross-reference chart for attorney review.	5.00	5.00
06/29/17	Collin R. Riggs	Per J. Shih request, pulled docs cited in MIL draft for attorney review.	0.25	0.25
06/29/17	Collin R. Riggs	Per J. Lieberman, prepared binders of trial exhibits for attorney review.	1.25	1.25
06/29/17	David B. Tulchin	Trial brief; various motions in limine; conferences with team; letters to Meola re witnesses and exhibits.	6.25	6.25
06/29/17	Jacob B. Lieberman	Revising motion in limine re: Hampton and actual damages.	2.75	2.75
06/29/17	Jacob B. Lieberman	Revising motion in limine re: MSEI profits.	1.50	1.50
06/29/17	Jacob B. Lieberman	Attention to e-mail correspondence with legal assistants re: letters to Universal.	0.25	0.25
06/29/17	Jacob B. Lieberman	Revising and updating draft list of trial exhibits.	2.50	2.50
06/29/17	Jacob B. Lieberman	Revising motion in limine re: summary judgment decision and Blacker reports.	1.75	1.75
06/29/17	Jacob B. Lieberman	Drafting/revising letters to Universal re: witness and exhibit lists; e-mail correspondence with client and co-counsel re: same.	1.25	1.25
06/29/17	Jacob B. Lieberman	Attention to e-mail correspondence with legal assistants re: Universal's exhibit list.	0.25	0.25
06/29/17	James H. Shih	Drafted and revised motion in limine on opinion of counsel; supervised L. Jing's research re: same.	5.25	5.25
06/29/17	James H. Shih	Revised motions in limine on presumed validity and theft issues; supervised compilation of cited exhibits in same.	1.00	1.00
06/29/17	John K. Tully	Locate and pull cited cases for A. Thatte	0.25	0.25
06/29/17	Michael D. Pearson	Research with regard to pulling reported cases from a list provided and requested by Anuja Thatte.	0.25	0.25
06/29/17	Sadel J. Desir	Gathering and putting together MSEI Purchase Agreement of 2007 correspondences for attorney review.	0.50	0.50
06/29/17	Thomas C. White	Revise draft verdict form (and telecon Garvey). Telecons Tulchin re pretrial brief and related matters. Revise witness and exhibit list and confs Lieberman. Revise motions in limine on "theft" and copyright validity. Revise proposed jury instructions. Meeting with Tulchin and Thatte re pretrial brief, cons Thatte re same.	8.75	8.75
06/29/17	William J. Buckingham	Assist with preparing final version of Trial Exhibits List to be given to opposing counsel. Updating electronic and hard copies of Trial Exhibits with additional exhibits.	5.25	5.25
06/30/17	Adam R. Brebner	Prepare pretrial papers (motions in limine; trial brief); numerous communications re pretrial papers with team and co-counsel; prepare for and call with T. Rickard (expert) re trial preparation	11.00	11.00
06/30/17	Anuja D. Thatte	Meeting with T. White and D. Tulchin re: pre-trial filings.	0.75	0.75
06/30/17	Anuja D. Thatte	Meeting with T. White and J. Lieberman re: pre-trial filings.	0.50	0.50
06/30/17	Anuja D. Thatte	Tasks relating to editing, drafting and preparing pre-trial filings for July 3 deadline.	11.00	11.00
06/30/17	Anuja D. Thatte	Editing jury instructions.	0.50	0.50
06/30/17	Anuja D. Thatte	Meeting with summer associate team re: cite checking and filing preparation for July 3 filings.	1.00	1.00
06/30/17	Anuja D. Thatte	Call with M. Christiansen re: motions in limine to be filed.	0.25	0.25
06/30/17	Ashley I. Storey	Per J. Lieberman's request, compiled transcripts of depositions included in Plaintiff's exhibit list.	3.50	3.50



Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
06/30/17	Ashley I. Storey	Per J. Lieberman's request, began compiling documents in Plaintiff's exhibit list.	2.50	2.50
06/30/17	Collin R. Riggs	Per J. Lieberman request, pulled documents listed in plaintiff's exhibit list.	10.00	10.00
06/30/17	Collin R. Riggs	Updated trial exhibit list and e-binder.	1.00	1.00
06/30/17	Collin R. Riggs	Per J. Lieberman request, prepared binders of trial exhibits for attorney review.	0.50	0.50
06/30/17	David B. Tulchin	Many conferences. Review and comment on Missouri Tooling's motion in limine seeking a ruling that Universal's state law claims are pre-empted by the Copyright Act. Review and revise Bob Archer's declaration in support of MTA's motion in limine about Universal's efforts to capture its profits. Review and revise our MIL to preclude Universal from seeking to recover more than its actual damages. Review and revise our MIL seeking to preclude Universal from seeking to recover MSEI's profits. Review Hampton's supplemental expert report damages. Review and revise our Trial Brief. Review MIL brief to preclude the trade secret opinion of Wolfe and Hooper. Review and revise MIL re seeking opinion of counsel. Review and revise MIL to preclude Universal from seeking statutory damages. Review and revise MIL to preclude Universal from saying that we committed theft. Review and revise MIL to preclude Universal from referring to the presumption of validity. Review verdict form and requests to charge.	9.00	9.00
06/30/17	Jacob B. Lieberman	Revising motions in limine re: damages, Hampton, profits, Blacker and summary judgment decision.	9.25	9.25
06/30/17	Jacob B. Lieberman	Meeting with T. White and A. Thatte re: logistics for July 3 filing.	0.25	0.25
06/30/17	Jacob B. Lieberman	Drafting motion in limine to preclude Universal from recovering MSEI's profits.	3.00	3.00
06/30/17	Jacob B. Lieberman	Meeting with A. Thatte, R. Folio, L. Jing, A. Mayron, and T. Garvey re: cite check.	0.75	0.75
06/30/17	Jacob B. Lieberman	Drafting notices of motion July 3 filing.	1.50	1.50
06/30/17	James H. Shih	Revised motions in limine.	3.00	3.00
06/30/17	Joseph C. Chan	Download files from MoveIT site as per request of W. Buckingham and transfer contents to encrypted hard drive for case team.	1.00	1.00
06/30/17	Melissa Caprio-Lopez	Print and tab documents for Ashley Storey - Attorney Jake Lieberman	0.50	0.50
06/30/17	Sean S. Whalen	Per Jake Lieberman, prepared one set of Hampton expert report for A. Storey.	0.25	0.25
06/30/17	Thomas C. White	Revise trial brief. Revise jury charge. Revise verdict form. Draft letter re deposition designations. Revise motions in limine concerning damages, related issues. Telecons and confs Brebner, Thatte, Lieberman, Tulchin re foregoing. Telecon A Rose re strategy for motions. Revise voir dire.	10.25	10.25
06/30/17	William J. Buckingham	Assist with preparing collection of all produced source code. Assist with compiling Plaintiff Exhibits.	6.75	6.75
07/01/17	Adam R. Brebner	Prepare pretrial papers (trial brief, MILs, jury charge, verdict form, witness list); numerous communications re same	9.25	9.25
07/01/17	Anuja D. Thatte	Editing pre-trial filings re: trade secret statute of limitations.	1.25	1.25
07/01/17	Anuja D. Thatte	Drafting and editing pre-trial filings and related tasks (cite checking, proofreading, etc.).	11.25	11.25
07/01/17	Ashley I. Storey	Per J. Lieberman's request, continued compiling documents cited in Plaintiff's exhibit list.	7.50	7.50
07/01/17	Ashley I. Storey	Per J. Lieberman's request, prepared exhibits to declarations.	1.75	1.75
07/01/17	David B. Tulchin	Review the eight motions in limine that we plan to file on July 3.	1.25	1.25
07/01/17	Jacob B. Lieberman	Cite check of motions in limine being filed on July 3; e-mail correspondence re: same.	6.00	6.00
07/01/17	Jacob B. Lieberman	Cite check of proposed jury instructions; e-mail correspondence with A. Thatte re: same.	2.00	2.00
07/01/17	Jacob B. Lieberman	Revising motions in limine in preparation for filing on July 3; e-mail correspondence re: same.	3.00	3.00
07/01/17	Jacob B. Lieberman	Preparing updated exhibit list for filing on July 3.	1.25	1.25

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/01/17	Thomas C. White	Revise trial brief. Review research re: trade secrets statute of limitation. E-mail Folio re: further research into attorney's fees. Designate portions of Watson testimony. Revise draft witness list.	3.75	3.75
07/02/17	Adam R. Brebner	Prepare pretrial papers (trial brief, MILs, jury charge, verdict form, witness list); numerous communications re same; review MTA MIL/brief and comment	11.50	11.50
07/02/17	Anuja D. Thatte	Drafting and editing pre-trial filings and related tasks (cite checking, proofreading, etc.).	12.50	12.50
07/02/17	David B. Tulchin	Review and revise Requests to Charge; Trial Brief; Verdict Form; Voir Dire Questions; and several of our eight motions in limine. Long conference call with team.	4.50	4.50
07/02/17	Jacob B. Lieberman	Final proofread of all motions in limine to be filed on July 3.	4.50	4.50
07/02/17	Jacob B. Lieberman	QC check of redactions for motions in limine.	1.00	1.00
07/02/17	Jacob B. Lieberman	Revising motions in limine for cite check and cold read edits and comments from A. Rose.	6.00	6.00
07/02/17	Jacob B. Lieberman	Revisions and final proof read of notices of motion for all eight motions in limine to be filed on July 3.	1.00	1.00
07/02/17	Jacob B. Lieberman	Call with D. Tulchin, T. White, A. Brebner and A. Thatte re: jury instructions, trial brief and motions in limine.	1.50	1.50
07/02/17	James H. Shih	Revised motions in limine.	0.50	0.50
07/02/17	Thomas C. White	Revise trial brief. Revise draft witness list. Review MTA trial brief and motion in limine concerning damages. Revise jury instructions. Team call re: next steps and outstanding comments on various filings. E-mails with opposing counsel re: joint pretrial stipulation.	6.50	6.50
07/02/17	William J. Buckingham	Assist with preparation of Defendants' Trial Exhibits List. Assist with preparation of Depo Designations. Assist with preparation of Motions in Limine.	12.00	12.00
07/03/17	Adam R. Brebner	Prepare pretrial filings; numerous communications re same; review MTA pretrial filings; review Universal pretrial filings	8.00	8.00
07/03/17	Anuja D. Thatte	Drafting and editing pre-trial filings and related tasks (cite checking, proofreading, etc.).	9.25	9.25
07/03/17	Collin R. Riggs	Assisted in preparation of pre-trial filings.	3.25	3.25
07/03/17	Collin R. Riggs	Pulled exhibits and prepared pre-trial materials for attorney review.	8.25	8.25
07/03/17	David B. Tulchin	Emails about the various papers due today. Final review of our Trial Brief. Review and suggested revisions of MTA's trial brief and motion in limine.	1.75	1.75
07/03/17	Jacob B. Lieberman	Overseeing filing of pre-trial submissions.	1.75	1.75
07/03/17	Jacob B. Lieberman	Reviewing motions in limine filed by Universal.	3.75	3.75
07/03/17	Jacob B. Lieberman	Preparing materials for July 3 filing and final QC of those documents.	6.50	6.50
07/03/17	Thomas C. White	Revise and finalize: eight motions in limine, jury instructions, voir dire, trial brief. Telecons Rose re same. Confs Lieberman, Thatte, Brebner re foregoing. Review Universal trial filings.	8.25	8.25
07/03/17	William J. Buckingham	Assist with preparation of Defendants' Trial Exhibits List. Assist with preparation of Motions in Limine. Assist with reviewing Plaintiff's Trial Exhibit List and compiling a set of exhibits and reviewing changes made from previous list.	13.25	13.25
07/04/17	Adam R. Brebner	Review Universal's filings and MILs; call with team (White, Lieberman, Thatte) re response to MILs; various communications with team re same	2.50	2.50
07/04/17	Anuja D. Thatte	Reviewing pre-trial filings submitted by Universal.	2.00	2.00
07/04/17	Anuja D. Thatte	Call with T. White, A. Brebner and J. Lieberman re: responding to Universal's motion in limine.	1.00	1.00
07/04/17	Collin R. Riggs	Pulled trial exhibits for attorney review.	1.00	1.00
07/04/17	David B. Tulchin	Emails with team about Universal's brief, motions in limine and other papers filed yesterday. Reviewing Universal's trial brief, proposed voir dire questions and requests to charge.	2.25	2.25
07/04/17	Jacob B. Lieberman	Drafting outline for brief in opposition to Universal's first and second motions in limine.	1.50	1.50
07/04/17	Jacob B. Lieberman	Call with R. Folio re: law-of-the-case doctrine research projects.	0.25	0.25
07/04/17	Jacob B. Lieberman	Call with T. White, A. Brebner and A. Thatte re: responses to Universal's motions in limine.	1.00	1.00

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/04/17	Jacob B. Lieberman	Researching case law relevant to responding to Universal's first and second motions in limine.	4.00	4.00
07/04/17	Jacob B. Lieberman	Drafting opposition to Universal's first and second motions in limine.	2.25	2.25
07/04/17	Thomas C. White	Review Universal motions in limine and trial brief. Outline responses to motions in limine and circulate to team.	4.00	4.00
07/04/17	William J. Buckingham	Assist with reviewing Plaintiff's Trial Exhibit List and compiling a set of exhibits and reviewing changes made from previous list.	1.50	1.50
07/05/17	Adam R. Brebner	Review Universal motions in limine to prepare responses; address exhibit issues; review Universal trial brief; numerous communications with team re trial issues and motions in limine	8.50	8.50
07/05/17	Anuja D. Thatte	Research re: drafting opposition to MIL No. 6.	1.25	1.25
07/05/17	Anuja D. Thatte	Call with L. Jing re: research relating to opposition to Universal's MIL # 6.	0.25	0.25
07/05/17	Anuja D. Thatte	Reviewing Universal filings re: <b>PRIVILEGE REDACTED</b>	2.25	2.25
07/05/17	Ashley I. Storey	Per J. Lieberman's request, updated list of plaintiff's exhibits.	5.75	5.75
07/05/17	Ashley I. Storey	Per T. White's request, prepared draft of notice of motion and cover letter.	2.75	2.75
07/05/17	Ashley I. Storey	Per A. Thatte's request, updated <b>PRIVILEGE REDACTED</b>	4.00	4.00
07/05/17	Collin R. Riggs	Pulled trial exhibits and prepared pre-trial filing materials for attorney review.	12.00	12.00
07/05/17	David B. Tulchin	Draft motion to <b>PRIVILEGE REDACTED</b> Reviewing Universal's MILs and conferences with White about our responses. Many other trial prep tasks.	9.00	9.00
07/05/17	Jacob B. Lieberman	Reviewing defedant's exhibit list; e-mail correspondence with legal assitants and A. Brebner re: same.	1.50	1.50
07/05/17	Jacob B. Lieberman	Researching and drafting <b>PRIVILEGE REDACTED</b>	1.25	1.25
07/05/17	Jacob B. Lieberman	Drafting brief opposition Universal's motions in limine numbers 1 and 2.	6.50	6.50
07/05/17	Jacob B. Lieberman	Research legal issues raised by plaintiff in its first and second motions in limine.	4.00	4.00
07/05/17	Jacob B. Lieberman	Identifying documents missing from plaintiff's exhibit list.	1.25	1.25
07/05/17	Jacob B. Lieberman	Reviewing plaintiff's pre-trial fillings to <b>PRIVILEGE REDACTED</b>	3.00	3.00
07/05/17	Thomas C. White	<b>PRIVILEGE REDACTED</b> drafting memo re: same.		
07/05/17	Thomas C. White	Meeting with Garvey re: drafting response to motion to compel re: 30(b)(6) issues. Review cases cited in MILs #1-3. Meeting with Tulchin re: responding to motions in limine, other outstanding tasks. Telecon Kaplan re: strategy for pretrial conference. Research caselaw re motion in limine on 30(b)(6) issues. Prepare subpoena for Bennett. Review Caudrillier deposition digest.	9.50	9.50
07/05/17	William J. Buckingham	Assist with reviewing Plaintiff's Trial Exhibit List and compiling a set of exhibits and reviewing changes made from previous list.	5.75	5.75
07/06/17	Adam R. Brebner	Numerous communications with team re exhibits; telecon with Salmons re mock jury exercise; prepare oppositions to motions in Imine	8.75	8.75
07/06/17	Anuja D. Thatte	Research and drafting opposition to motion in limine No. 6.	14.00	14.00
07/06/17	Anuja D. Thatte	Call with Salmons Consulting re: mock jury results.	1.00	1.00
07/06/17	Anuja D. Thatte	Editing memorandum re: <b>PRIVILEGE REDACTED</b>	2.00	2.00
07/06/17	Ashley I. Storey	Per J. Lieberman's request, continued updating list of plaintiff's exhibits.	1.75	1.75
07/06/17	Ashley I. Storey	Per J. Lieberman's request, annotated <b>PRIVILEGE REDACTED</b>	3.50	3.50
07/06/17	Ashley I. Storey	Per A. Thatte's request, updated exhibit numbers referenced in the <b>PRIVILEGE REDACTED</b> memo.	3.00	3.00
07/06/17	Collin R. Riggs	Pulled trial exhibits for attorney review.	8.75	8.75
07/06/17	Collin R. Riggs	Prepared trial related materials for attorney review.	4.00	4.00
07/06/17	Collin R. Riggs	Pulled trial exhibits and prepared pre-trial filing materials for attorney review.	2.00	2.00
07/06/17	David B. Tulchin	Many trial preparation tasks; conference call with Salmons Consulting about mock trial; many conferences with team; telcon Bjerk.	7.25	7.25
07/06/17	Evelyn H. Seeger	Search for copy of article, for Collin Riggs (AMEX).	0.25	0.25
07/06/17	Jacob B. Lieberman	Call with D. Tulchin, T. White, A. Brebner and A. Thatte re: debrief from mock jury exercise.	1.25	1.25
07/06/17	Jacob B. Lieberman	Drafting reply brief in opposition to plaintiff's second motion in limine.	5.50	5.50

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/06/17	Jacob B. Lieberman	Revising combined reply brief in response to Universal's first and second motions in limine.	1.50	1.50
07/06/17	Jacob B. Lieberman	Revising reply brief in opposition to Universal's third motion in limine.	1.00	1.00
07/06/17	Jacob B. Lieberman	Drafting reply brief in opposition to plaintiff's first motion in limine.	5.75	5.75
07/06/17	Jacob B. Lieberman	Preparing highlighted binder of documents for D. Tulchin.	1.75	1.75
07/06/17	Thomas C. White	Revise oppositions to motions in limine 1, 2, and 4. Review key cases cited therein. Confs Lieberman re same. Review circulated key documents. Team emails re exhibit issues. Meeting with Tulchin and telecon Bjerk re trial strategy, related issues.	10.00	10.00
07/06/17	William J. Buckingham	Assist with reviewing Plaintiff's Trial Exhibit List and compiling a set of exhibits and reviewing changes made from previous list. Assist with preparing hard copies of Plaintiff's Exhibits. Assist with preparing stamped copies of Defendants' trial exhibits.	9.50	9.50
07/07/17	Adam R. Brebner	Address exhibit objections; prepare oppositions to motions in limine; numerous communications with team re same	11.25	11.25
07/07/17	Anuja D. Thatte	Research for and editing of opposition briefs for motions in limine filed by Universal.	8.00	8.00
07/07/17	Anuja D. Thatte	Tasks relating to motion in limine filings for July 10.	0.75	0.75
07/07/17	Ashley I. Storey	Per J. Lieberman's request, prepared defendant's exhibits for printing.	1.25	1.25
07/07/17	Ashley I. Storey	Per J. Lieberman's request, prepared materials for <b>PRIVILEGE REDACTED</b> binder.	3.50	3.50
07/07/17	Ashley I. Storey	Per D. Tulchin's request, prepared materials for <b>PRIVILEGE REDACTED</b> binder.	2.50	2.50
07/07/17	Collin R. Riggs	Prepared trial exhibits and materials for attorney review.	12.50	12.50
07/07/17	David B. Tulchin	Many trial preparation tasks; various conferences; review and revise our memos in opposition to Universal's MIL ## 4, 6, 1, 2 and 7.	7.75	7.75
07/07/17	Jacob B. Lieberman	Revising brief in opposition to Universal's first motion in limine.	5.25	5.25
07/07/17	Jacob B. Lieberman	Drafting brief in opposition to Universal's third motion in limine.	2.00	2.00
07/07/17	Jacob B. Lieberman	Revising brief in opposition to Universal's third motion in limine.	2.00	2.00
07/07/17	Jacob B. Lieberman	Preparing documents for upcoming witness prep meetings.	1.00	1.00
07/07/17	Jacob B. Lieberman	Revising brief in opposition to Universal's second motion in limine.	5.00	5.00
07/07/17	Sean S. Whalen	Per J. Lieberman, assisted C. Riggs with the preparation of five sets of review documents: trial brief and emails.	0.75	0.75
07/07/17	Thomas C. White	Revise motions in limine (#s 1-4, 6-7). Review chronology of key exhibits. Review circulated key exhibits on statute of limitations issues. Draft letter to Meola concerning down-designating exhibits; team e-mails re: same. Telecons Tulchin re: revisions to motions in limine 1, 2, and 4, and revise same in light of Tulchin comments. Confs Garvey, Lieberman, Thatte re: foregoing.	11.75	11.75
07/07/17	William J. Buckingham	Assist with preparing stamped Defendant Trial Exhibits and preparing hard copies. Assist with preparing hard copies of Plaintiff Trial Exhibits. Assist with preparing binders of court papers related to the Taylor Motion. Fielding several smaller projects related to trial preparation.	8.00	8.00
07/08/17	Adam R. Brebner	Prepare oppositions to motions in limine; numerous communications with team re same	3.50	3.50
07/08/17	Anuja D. Thatte	Reviewing plaintiff's exhibits.	2.00	2.00
07/08/17	Anuja D. Thatte	Editing motions in limine oppositions in preparation for July 10 filing deadline.	1.00	1.00
07/08/17	Anuja D. Thatte	Reviewing Saidi deposition and editing response to motion in limine No. 4, per T. White request.	7.25	7.25
07/08/17	Collin R. Riggs	Prepared trial exhibits and materials for attorney review (after midnight).	1.50	1.50
07/08/17	David B. Tulchin	Reviewing and revising 4 of our briefs in opposition to Universal's motions in limine.	1.00	1.00
07/08/17	Jacob B. Lieberman	Reviewing plaintiff's exhibits to determine whether any objections should be raised.	6.25	6.25
07/08/17	Jacob B. Lieberman	Revising motions in limine based on comments from D. Tulchin.	4.00	4.00
07/08/17	Thomas C. White	Revise seven motions in limine on various issues. Numerous confs Thatte, Lieberman re: same and objections to plaintiff's exhibits. Review Saidi 30(b)(6) testimony.	7.75	7.75

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/08/17	William J. Buckingham	Assist with preparing hard copy binders of the stamped Defendant Trial Exhibits. Assist with preparing spreadsheet cross-referencing Defendant and Plaintiff Trial Exhibits.	7.75	7.75
07/09/17	Adam R. Brebner	Revise oppositions to motions in limine; call with team re oppositions	2.25	2.25
07/09/17	Anuja D. Thatte	Reviewing exhibits for inclusion in witness preparation folders.	1.25	1.25
07/09/17	Anuja D. Thatte	Proofreading motion in limine responses in preparation for July 10 filing deadline.	1.25	1.25
07/09/17	Anuja D. Thatte	Editing motion in limine responses and preparing for 7/10/17 filing deadline.	11.50	11.50
07/09/17	Ashley I. Storey	Per J. Lieberman's request, awaiting assignment.	6.75	6.75
07/09/17	Collin R. Riggs	Assisted with pre-trial filings and trial prep materials for attorney review.	11.50	11.50
07/09/17	David B. Tulchin	Reviewing and revising our 7 briefs in opposition to Universal's 7 motions in limine; conference call with team; reviewing Andy Rose's comments on several of our briefs.	3.50	3.50
07/09/17	Jacob B. Lieberman	Revising opposition brief in response to Universal's third motion in limine.	0.50	0.50
07/09/17	Jacob B. Lieberman	Cite check on all motions in limine being filed on July 10.	6.50	6.50
07/09/17	Jacob B. Lieberman	Revising brief in opposition to plaintiff's first motion in limine.	2.25	2.25
07/09/17	Jacob B. Lieberman	Call with D. Tulchin, T. White, A. Brebner and A. Thatte re: revisions to opposition briefs.	0.50	0.50
07/09/17	Jacob B. Lieberman	Revising brief in opposition plaintiff's second motion in limine.	2.50	2.50
07/09/17	Jacob B. Lieberman	Reviewing plaintiff's exhibits to identify potential objections.	2.75	2.75
07/09/17	Thomas C. White	Revise motion in limine concerning Saidi testimony (#4). Revise motions in limine #s 1, 2. Telecon team re: Rose comments on various drafts. E-mails re: same. Review Tulchin revisions to motions in limine.	4.25	4.25
07/10/17	Adam R. Brebner	Prepare oppositions to motions in limine; review Universal motions in limine; coordinate Rickard testimony; call with A. Rose and team re pretrial conference	7.00	7.00
07/10/17	Anuja D. Thatte	Editing memo re: statute of limitations decisions on summary judgment.	0.50	0.50
07/10/17	Anuja D. Thatte	Reviewing exhibits for inclusion in witness preparation folders.	2.75	2.75
07/10/17	Anuja D. Thatte	Call with A. Rose, D. Tulchin; T. White; A. Brebner; and J. Lieberman re: trial preparation.	1.00	1.00
07/10/17	Anuja D. Thatte	Editing motion in limine responses and preparing for 7/10/17 filing deadline.	0.25	0.25
07/10/17	Anuja D. Thatte	Reviewing exhibits for inclusion in witness preparation folders.	3.25	3.25
07/10/17	Anuja D. Thatte	Tasks re: circulating exhibit list and filings from today.	2.00	2.00
07/10/17	Anuja D. Thatte	Preparing filings for responses to motion in limine.	1.00	1.00
07/10/17	Ashley I. Storey	Per J. Lieberman's request, prepared Said Saidi witness folders.	4.50	4.50
07/10/17	Ashley I. Storey	Per A. Thatte's request, prepared materials regarding <span style="background-color: black; color: white;">PRIVILEGE REDACTED</span> for review.	0.75	0.75
07/10/17	Ashley I. Storey	Per J. Lieberman's request, preparing previously filed materials for print.	2.00	2.00
07/10/17	Collin R. Riggs	Assisted with pre-trial filings and trial prep.	13.00	13.00
07/10/17	David B. Tulchin	Reviewing and providing final comments on our memoranda in opposition to Universal's seven motions in limine; many trial preparation tasks; reading Universal's memoranda in opposition to our motions in limine; conference call with Bjerk, Lindner and Saidi.	8.75	8.75
07/10/17	Jacob B. Lieberman	Reviewing exhibit lists to identify documents for witness folders.	4.50	4.50
07/10/17	Jacob B. Lieberman	Final revisions and proof read of briefs in opposition to plaintiff's motions in limine being filed on July 10.	5.50	5.50
07/10/17	Jacob B. Lieberman	Meeting with D. Tulchin, T. White, A. Brebner and A. Thatte re: upcoming conference with the Court and preparations for trial (.75); call with Andy Rose re: same (.25).	1.00	1.00
07/10/17	Jacob B. Lieberman	Preparing documents for filing and overseeing filing.	1.00	1.00
07/10/17	Sadel J. Desir	Gathering and putting together relevant documents for attorney review.	0.50	0.50
07/10/17	Sean S. Whalen	Per Anuja Thatte, prepared one set of opposition and defendant filings for A. Storey.	0.50	0.50

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/10/17	Thomas C. White	Finalize oppositions to seven motions in limine: review, proofread, edit, file. Coordinate service issues with Andy Rose. Review Universal's opposition to defendants' 11 motions in limine. Numerous confs Thatte, Lieberman. Telecon Tulchin, Bjerk, Lindner, Saidi re: preparing for upcoming meetings. Revise letter to Meola re: production of exhibits.	7.00	7.00
07/10/17	William J. Buckingham	Assist with preparing Opposition briefs to Plaintiff Motions in Limine for filing.	4.00	4.00
07/11/17	Adam R. Brebner	Prepare for trial; address exhibits; email re motions in limine; prepare to meet with Rickard re Rickard direct testimony; meet with Tulchin and White re expert testimony at trial; various communications with team	9.00	9.00
07/11/17	Adam R. Brebner	Travel to Denver	2.25	1.125
07/11/17	Anuja D. Thatte	Reviewing THS videos prepared by S. Saidi (cont'd).	0.50	0.50
07/11/17	Anuja D. Thatte	Reviewing summary judgment Order and 56.1 statements by the parties.	0.50	0.50
07/11/17	Anuja D. Thatte	Reviewing revised THS videos prepared by S. Saidi.	0.50	0.50
07/11/17	Anuja D. Thatte	Editing memo re: statute of limitations decisions on summary judgment.	0.75	0.75
07/11/17	Anuja D. Thatte	Reviewing documents for inclusion in Mr. Saidi's witness binder.	0.50	0.50
07/11/17	Anuja D. Thatte	Reviewing oppositions to motions in limine filed July 10.	2.25	2.25
07/11/17	Anuja D. Thatte	Reviewing requests to charge.	0.50	0.50
07/11/17	Ashley I. Storey	Per J. Lieberman's request, preparing copies of Saidi witness folder materials.	4.75	4.75
07/11/17	Ashley I. Storey	Per D. Tulchin's request, prepared binder of Saidi witness prep materials.	3.75	3.75
07/11/17	Ashley I. Storey	Per J. Lieberman's request, finalized Saidi witness folder materials.	3.00	3.00
07/11/17	Collin R. Riggs	Prepared trial preparation materials for attorney review.	8.50	8.50
07/11/17	David B. Tulchin	Various trial prep tasks; conference call with Meola, Blank, Rose and others.	6.75	6.75
07/11/17	Jacob B. Lieberman	Preparing R. Crawford witness preparation materials.	2.00	2.00
07/11/17	Jacob B. Lieberman	E-mail correspondence with A. Thatte and A. Mayron re: <span style="background-color: black; color: white;">PRIVILEGE REDACTED</span>	0.25	0.25
07/11/17	Jacob B. Lieberman	Revising memorandum re: statute of limitations arguments raise on summary judgment.	0.50	0.50
07/11/17	Jacob B. Lieberman	Reviewing opposition briefs filed by Universal on July 10, 2017.	3.75	3.75
07/11/17	Jacob B. Lieberman	Reviewing defendants' exhibit list to determine if any documents should not be down-designated from attorney's eyes only to confidential.	0.75	0.75
07/11/17	Jacob B. Lieberman	Preparing Saidi witness preparation materials.	1.00	1.00
07/11/17	Melissa Caprio-Lopez	Create Customs Tabs for Collin Riggs - Attorney Jacob Lieberman	1.00	1.00
07/11/17	Melissa Caprio-Lopez	Print and tab documents for William Buckingham - Attorney J. Lieberman (Said Saidi Witness Documents)	1.50	1.50
07/11/17	Sadel J. Desir	Gathering and putting together more relevant documents for attorney review.	2.50	2.50
07/11/17	Thomas C. White	Review briefing on motions in limine. Review research re: judicial estoppel. Meeting Tulchin, Brebner re: strategy for expert preparation, upcoming pretrial conference. Telecon Bjerk re: trial prep, related issues. Telecon Andy Rose re: trial responsibilities. Telecon Mayron re: additional research.	5.75	5.75
07/11/17	William J. Buckingham	Assist with preparing hard copies of the Taylor motion court papers. Assist with preparing Ford and Morris related materials, including depositions and Trial Exhibits. Assist with preparing the Crawford Witness Preparation binder. Assist with preparing documents to be used at Saidi Witness Preparation. Fielding various smaller tasks related to trial preparation.	9.00	9.00
07/12/17	Adam R. Brebner	Prepare for meeting with Rickard; meet with Rickard; review Evans transcript and prepare for cross; various communications with team	8.00	8.00
07/12/17	Adam R. Brebner	Travel from Denver to NY	1.50	0.75
07/12/17	Anuja D. Thatte	Witness preparation session for S. Saidi.	7.50	7.50



Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/12/17	Anuja D. Thatte	Reviewing proposed objections to Plaintiff's exhibit list with T. White and J. Lieberman.	3.25	3.25
07/12/17	Anuja D. Thatte	Reviewing proposed objections to Plaintiff's exhibit list (cont'd).	2.75	2.75
07/12/17	Anuja D. Thatte	Editing binder for Mr. Lindner's witness preparation session.	0.25	0.25
07/12/17	Anuja D. Thatte	Reviewing documents for inclusion in Mr. Lindner's witness binder.	0.50	0.50
07/12/17	Ashley I. Storey	Per J. Lieberman's request, continued preparing copies of Saidi witness folder materials.	0.25	0.25
07/12/17	Collin R. Riggs	Prepared trial witness preparation materials for attorney review.	13.25	13.25
07/12/17	David B. Tulchin	Meeting with Said Saidi. Other trial prep tasks.	8.00	8.00
07/12/17	Jacob B. Lieberman	Revising objections to plaintiff's exhibit list.	3.75	3.75
07/12/17	Jacob B. Lieberman	Meeting with T. White and A. Thatte to review objections to plaintiff's exhibit list.	1.50	1.50
07/12/17	Jacob B. Lieberman	Drafting summary of objections to to plaintiff's exhibit list.	0.50	0.50
07/12/17	Jacob B. Lieberman	Preparing R. Crawford witness preparation materials.	0.25	0.25
07/12/17	Jacob B. Lieberman	Meeting with S. Saidi, D. Tulchin, T. White and A. Thatte re: witness preparation.	7.00	7.00
07/12/17	Sean S. Whalen	Per J. Lieberman, prepared three sets of collated Lindner exhibits in labeled folders for C. Riggs.	2.50	2.50
07/12/17	Thomas C. White	Prepare for Saidi witness prep. Saidi witness prep. Meeting with Liberman and Thatte re objections to Universal exhibits. Revise summary for Tulchin. Review research re judicial estoppel. Telecon H Kaplan re strategy.	11.50	11.50
07/12/17	William J. Buckingham	Assisting with preparing materials to be used at Saidi Witness Prep session. Assisting with preparing Witness Prep binders for Linder and Crawford. Cross referencing Ford and Evans deposition exhibits with Trial exhibits and preparing hard copies of their depositions with exhibits. Fielding several smaller tasks related to trial preparation.	10.00	10.00
07/13/17	Adam R. Brebner	Review plaintiff's exhibits re objections; prepare for cross examinations of Ford and Evans; numerous communications with team re trial preparation	7.25	7.25
07/13/17	Anuja D. Thatte	Sending follow up materials to J. Lindner.	0.25	0.25
07/13/17	Anuja D. Thatte	Meeting with J. Lieberman re: objections to down designations.	0.50	0.50
07/13/17	Anuja D. Thatte	Preparing for Mr. Lindner's witness preparation session.	0.25	0.25
07/13/17	Anuja D. Thatte	Editing memo re: <b>PRIVILEGE REDACTED</b>	2.25	2.25
07/13/17	Anuja D. Thatte	Juergen Lindner witness preparation session.	6.75	6.75
07/13/17	Ashley I. Storey	Per A. Thatte's request, updated Saidi witness folder documents e-binder.	1.00	1.00
07/13/17	Ashley I. Storey	Per J. Lieberman's request, awaiting assignment.	1.25	1.25
07/13/17	Collin R. Riggs	Prepared trial preparation materials for attorney review.	7.00	7.00
07/13/17	David B. Tulchin	Meeting with Juergen Lindner. Other trial prep tasks. Telcon Saidi. Various conferences. Prepare for Crawford.	8.25	8.25
07/13/17	Jacob B. Lieberman	Revising R. Crawford witness preparation binder.	0.50	0.50
07/13/17	Jacob B. Lieberman	Drafting outline for S. Saidi direct examination.	4.50	4.50
07/13/17	Jacob B. Lieberman	E-mail correspondence with A. Brebner re: objections to plaintiff's exhibit list.	0.25	0.25
07/13/17	Jacob B. Lieberman	Revising objections to plaintiff's exhibit list based on comments from D. Tulchin and A. Brebner.	2.25	2.25
07/13/17	Jacob B. Lieberman	Reviewing defendants' exhibit list to add "witnesses" to each document.	2.75	2.75
07/13/17	Thomas C. White	Prepare for Lindner witness prep. Lindner witness prep. Telecon Bjerk re witnesses. Review and revise objections to trial exhibits. Correspondence with opposing counsel re objections, witness documents.	11.75	11.75
07/13/17	William J. Buckingham	Assisting with preparing hard copies of the Crawford Witness Preparation binder. Assisting with preparing lists of all Trial exhibits related to Ford and Evans. Assist with updating the Defendants' Trial Exhibits list. Fielding various smaller tasks related to trial preparation.	11.25	11.25
07/14/17	Adam R. Brebner	Prepare objections to exhibits; prepare for pretrial conference; numerous communications with team	6.00	6.00

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/14/17	Anuja D. Thatte	Editing exhibit list and tasks re: exchange of objections between the parties.	3.00	3.00
07/14/17	Anuja D. Thatte	Drafting and editing S. Saidi direct examination outline.	9.50	9.50
07/14/17	Anuja D. Thatte	Editing memo re: <b>PRIVILEGE REDACTED</b>	0.50	0.50
07/14/17	Ashley I. Storey	Per J. Lieberman's request, prepared Archer/Morris related trial exhibit materials for review.	1.25	1.25
07/14/17	Ashley I. Storey	Per J. Lieberman's request, started updating plaintiff's exhibit list.	3.00	3.00
07/14/17	Collin R. Riggs	Prepared pre-trial conference and trial preparation materials for attorney review.	13.00	13.00
07/14/17	David B. Tulchin	Prep session with Rob Crawford. Many other trial prep tasks.	8.50	8.50
07/14/17	Jacob B. Lieberman	Drafting outlined of S. Saidi direct examination.	8.75	8.75
07/14/17	Jacob B. Lieberman	Witness preparation meeting with R. Crawford, D. Tulchin and T. White.	5.75	5.75
07/14/17	Sean S. Whalen	Per J. Lieberman, prepared one set of collated Archer/Morris exhibits in labeled folders for A. Storey.	1.50	1.50
07/14/17	Thomas C. White	Prepare for Crawford witness prep. Crawford witness prep. Telecon Blacker re preparing for testimony. Review documents re damages. Prepare for July 17 hearing.	8.50	8.50
07/14/17	William J. Buckingham	Assist with updating the Plaintiff's Trial Exhibit List with a date column. Fielding smaller tasks related to trial preparation.	1.25	1.25
07/15/17	Adam R. Brebner	Review and comment on outline of MTA points; numerous team email	0.50	0.50
07/15/17	Anuja D. Thatte	Editing outline for J. Lindner direct examination.	8.25	8.25
07/15/17	Anuja D. Thatte	Reviewing commc'ns re: <b>PRIVILEGE REDACTED</b>	3.50	3.50
07/15/17	David B. Tulchin	Reviewing the initial drafts of the direct examinations of Saidi and Lindner.	1.25	1.25
07/15/17	Jacob B. Lieberman	Drafting R. Crawford direct examination outline.	11.75	11.75
07/15/17	Jacob B. Lieberman	Revising S. Saidi direct examination outline.	3.00	3.00
07/15/17	Jacob B. Lieberman	Drafting memorandum re: <b>PRIVILEGE REDACTED</b>	0.75	0.75
07/15/17	Thomas C. White	<b>PRIVILEGE REDACTED</b> Correspondence re: production issues.	0.75	0.75
07/15/17	William J. Buckingham	Assisting with preparation of the Saidi Direct Examination outline binder. Assist with preparation of the Lindner Direct Examination Outline binder. Assist with preparation of the MTA Documents binder. Fielding various smaller tasks related to trial preparation.	8.50	8.50
07/16/17	Adam R. Brebner	Prepare for pretrial conference and motion in limine argument	4.00	4.00
07/16/17	Anuja D. Thatte	Editing memo re: <b>PRIVILEGE REDACTED</b>	0.50	0.50
07/16/17	Anuja D. Thatte	Editing Crawford direct examination outline.	0.75	0.75
07/16/17	Anuja D. Thatte	Call with M. Christiansen (Kaplan Rice) and J. Lieberman re: additional proposed MTA exhibits.	0.25	0.25
07/16/17	Ashley I. Storey	Per A. Thatte's request, updated Archer and Morris Related Trial Exhibits binder.	2.00	2.00
07/16/17	Ashley I. Storey	Per J. Lieberman's request, awaiting project assignment.	3.75	3.75
07/16/17	Collin R. Riggs	Prepared trial preparation materials for attorney review.	8.50	8.50
07/16/17	David B. Tulchin	Emails with team on various subjects. Review all documents pertaining to Archer and Morris of MTA. Prepare for tomorrow's hearing before Judge Sharpe. Travel to Albany, New York.	5.00	2.50
07/16/17	Jacob B. Lieberman	Drafting R. Crawford direct examination outline.	4.25	4.25
07/16/17	Thomas C. White	Travel to Albany. Study motions in limine. Review relevant caselaw.	4.25	2.125
07/17/17	Adam R. Brebner	Prepare for pretrial conference and argument on motions in limine; attend pretrial conference; meet with court personnel re video conference; various communications with team; conference call with Tulchin, White, Lieberman, Thatte re pretrial conference	5.50	5.50
07/17/17	Adam R. Brebner	Travel from Albany to NYC	2.75	1.375
07/17/17	Anuja D. Thatte	Editing memo re: <b>PRIVILEGE REDACTED</b>	1.25	1.25
07/17/17	Anuja D. Thatte	Call with D. Tulchin, T. White, A. Brebner, J. Lieberman re: pre-trial conference.	0.50	0.50
07/17/17	Anuja D. Thatte	Editing Lindner direct examination outline	3.50	3.50
07/17/17	Ashley I. Storey	Per J. Lieberman's request, awaiting assignment.	1.25	1.25
07/17/17	Ashley I. Storey	Per J. Lieberman's request, met with J. Lieberman and A. Thatte.	0.75	0.75
07/17/17	Collin R. Riggs	Prepared trial materials for attorney review.	7.00	7.00



Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/17/17	David B. Tulchin	Prepare for and attend final pre-trial conference before Judge Sharpe. Various conferences with Rose, Kaplan, Marie Christianson and S&C team. Travel from Albany to home. E-mails to counsel for Universal.	10.50	5.25
07/17/17	Jacob B. Lieberman	E-mail correspondence with A. Brebner re: Final Customer Acceptance agreement, Equipment Purchase Agreement, and Confidential Disclosure Agreement.	0.25	0.25
07/17/17	Jacob B. Lieberman	Call with D. Tulchin, T. White, A. Brebner and A. Thatte re: July 17, 2017 hearing before Judge Sharpe.	0.50	0.50
07/17/17	Jacob B. Lieberman	Reviewing Universal's deposition designations for C. Taylor and J. Maldonado to determine objections and counter-designations.	3.25	3.25
07/17/17	Jacob B. Lieberman	Meeting with legal assistants and A. Thatte re: upcoming trial preparation projects.	0.50	0.50
07/17/17	Jacob B. Lieberman	Revising S. Saidi direct examination outline.	1.75	1.75
07/17/17	Jacob B. Lieberman	Revising R. Crawford direct examination outline.	4.50	4.50
07/17/17	Jacob B. Lieberman	Revising memorandum <b>PRIVILEGE REDACTED</b>	0.75	0.75
07/17/17	Jacob B. Lieberman	Preparing bundle of documents to send to B. Blacker re: new damages calculations from S. Hampton.	0.25	0.25
07/17/17	Thomas C. White	Prepare for final pretrial conference. Study motions in limine and draft talking points. Team conference re strategy in light of court's orders. Confs Brebner re trial prep. Team call re next steps, upcoming projects. Telecons Bjerk re subpoena issues, pretrial conference	10.50	5.25
07/17/17	William J. Buckingham	Assisting with updating the internal tracking lists for all trial exhibits submitted by both sides. Fielding several smaller requests related to trial preparation.	4.00	4.00
07/18/17	Adam R. Brebner	Review exhibits re objections; prepare demonstratives; meet with T. White; coordinate trial prep with Rickard; prepare for trial; numerous communications with team re trial preparation	8.00	8.00
07/18/17	Anuja D. Thatte	Editing Lindner direct examination outline cont'd.	1.50	1.50
07/18/17	Anuja D. Thatte	Call with D. Tulchin and J. Lieberman re: direct examination outlines.	1.00	1.00
07/18/17	Anuja D. Thatte	Editing Lindner direct examination outline.	3.25	3.25
07/18/17	Anuja D. Thatte	Call with opposing counsel re: witness order at trial.	0.50	0.50
07/18/17	Anuja D. Thatte	Reviewing deposition transcripts for designations and counter-designations/objections.	7.50	7.50
07/18/17	Ashley I. Storey	Per A. Thatte's request, highlighted designations in Watson depositions.	1.50	1.50
07/18/17	Ashley I. Storey	Per D. Tulchin's request, prepared documents for witness binders.	4.75	4.75
07/18/17	Ashley I. Storey	Per T. White's request, prepared copy of plaintiff's May 18th filings.	1.75	1.75
07/18/17	Ashley I. Storey	Per A. Thatte's request, updated plaintiff's exhibit list.	1.00	1.00
07/18/17	Ashley I. Storey	Per D. Tulchin's request, prepared index of witness folder materials.	3.25	3.25
07/18/17	Collin R. Riggs	Prepared trial materials for attorney review.	5.00	5.00
07/18/17	David B. Tulchin	Many trial prep tasks; conference call with Universal's lawyers.	7.25	7.25
07/18/17	Jacob B. Lieberman	Revising R. Crawford direct examination outline.	3.00	3.00
07/18/17	Jacob B. Lieberman	Drafting search request for K. O'Leary documents.	0.50	0.50
07/18/17	Jacob B. Lieberman	Reviewing Universal's deposition designations for C. Taylor and J. Maldonado to determine objections and counter-designations.	2.50	2.50
07/18/17	Jacob B. Lieberman	Meeting with D. Tulchin, T. White and A. Thatte re: direct examination outlines and demonstratives.	0.50	0.50
07/18/17	Jacob B. Lieberman	Preparing counter-designations to Plaintiff's deposition designations.	1.00	1.00
07/18/17	Jacob B. Lieberman	Revising S. Saidi direct examination outline.	3.25	3.25
07/18/17	Jacob B. Lieberman	Calls with D. Tulchin and A. Thatte re: direct examination outlines for S. Saidi and R. Crawford.	1.25	1.25
07/18/17	Jacob B. Lieberman	Call with Plaintiffs, D. Tulchin, T. White and A. Thatte re: trial witnesses.	0.25	0.25
07/18/17	Sean S. Whalen	Per J. Lieberman, prepared one set of DeMuth and Servidio exhibits for W. Buckingham.	0.75	0.75
07/18/17	Sean S. Whalen	Per David Tulchin, prepared one set of Pellisier, Lundy and Caudrillier exhibits for A. Storey.	1.00	1.00

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/18/17	Thomas C. White	Revise Blacker direct examination. Telecon Blacker re damages analysis. Telecon Dukelow re same. Correspondence with opposing counsel re trial witnesses. Meet and confer re same. Conf Lieberman re damages issues, deposition designations. Conf Brebner re demonstratives. Study Hampton report. Study Blacker deposition testimony.	10.25	10.25
07/18/17	William J. Buckingham	Assist with preparing folders of relevant trial exhibits for several witnesses. Field several smaller requests related to preparation for trial.	10.25	10.25
07/19/17	Adam R. Brebner	Prepare demonstratives; meet with James Haase re demonstratives; address objections to trial exhibits; review exhibits; prepare for witness examinations; numerous communications with team re trial preparation	10.25	10.25
07/19/17	Ahmed A. Mian	Worked on a Large Stack of DVD copy to PADLOCK drive requested by Jimmy Phan. Request still in progress.	2.75	2.75
07/19/17	Anuja D. Thatte	Reviewing deposition transcripts for designations and counter-designations.	1.50	1.50
07/19/17	Anuja D. Thatte	Editing Saidi direct examination outline.	5.75	5.75
07/19/17	Anuja D. Thatte	Reviewing deposition transcripts for additional counter-designations.	1.50	1.50
07/19/17	Anuja D. Thatte	Meeting with J. Lieberman and D. Tulchin re: direct examination outlines and related trial preparation tasks.	1.00	1.00
07/19/17	Ashley I. Storey	Per J. Lieberman's request, continued highlighting designations.	3.00	3.00
07/19/17	Ashley I. Storey	Per J. Lieberman's request, prepared video files for loading.	1.50	1.50
07/19/17	Ashley I. Storey	Per A. Thatte's request, conducted search for document or testimony dating the signing of defendants' exhibit 113.	3.25	3.25
07/19/17	Ashley I. Storey	Per T. White's request, finalized binder of plaintiff's May 18th filings.	0.75	0.75
07/19/17	Ashley I. Storey	Per J. Lieberman's request, created objections chart for selected documents.	0.75	0.75
07/19/17	Collin R. Riggs	Prepared trial materials for attorney review.	11.00	11.00
07/19/17	David B. Tulchin	Trial preparation.	10.25	10.25
07/19/17	Jacob B. Lieberman	Preparing deposition designation and counter-designation materials for D. Tulchin review.	0.75	0.75
07/19/17	Jacob B. Lieberman	Updating counter-designations and objections to plaintiff's deposition designations.	1.50	1.50
07/19/17	Jacob B. Lieberman	Preparing additional C. Taylor and J. Maldonado counter-designations.	1.00	1.00
07/19/17	Jacob B. Lieberman	Meeting with D. Tulchin and A. Thatte re: counter-designations and direct examination outlines.	1.00	1.00
07/19/17	Jacob B. Lieberman	Revising R. Crawford direct examination outline.	10.00	10.00
07/19/17	Jacob B. Lieberman	Preparing counter-designations and objections to plaintiff's deposition designations for filing with the Court on July 20, 2017.	0.75	0.75
07/19/17	Jimmy T. Phan	Coordinate a large deposition media copy to hard drives with A. Mian and provide kick off status update to requester, J. Chan	0.50	0.50
07/19/17	Joseph C. Chan	Coordinate with internal case team in regards to workflow for creating multiple copies of hard drive with spindle of CD/DVDs containing deposition material as per request of C. Riggs.	0.75	0.75
07/19/17	Mili Sam	Discussion with J. Chan regarding request to copy video files to hard drive for review.	0.25	0.25
07/19/17	Thomas C. White	Revise Blacker direct testimony. Study Blacker deposition. Blacker witness prep. Review direct examinations of Saidi, Crawford, Linder. Telcon Brebner re: exhibits, demonstratives, case management issues. Conf Tulchin re: Blacker strategy.	12.25	12.25
07/19/17	William J. Buckingham	Assisting with preparing the deposition designations. Assisting with preparation of DVDs to be sent to trial graphics vendor. Field several smaller requests related to trial preparation.	6.25	6.25
07/20/17	Adam R. Brebner	Review exhibits re objections; meet and confer with opposing counsel; review plaintiff's demonstratives; assist with prepare demonstratives; meet with team re demonstratives and prepare for trial; numerous communications with team; prepare for witness examinations at trial	9.50	9.50
07/20/17	Anuja D. Thatte	Drafting and editing Saidi direct examination outline (cont'd).	3.75	3.75
07/20/17	Anuja D. Thatte	Meeting with D. Tulchin, T. White, A. Brebner and J. Lieberman re: Universal's demonstratives and related trial preparation tasks.	2.50	2.50
07/20/17	Anuja D. Thatte	Editing Saidi direct examination outline.	6.25	6.25

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/20/17	Anuja D. Thatte	Call with opposing counsel re: exchange of exhibits.	1.00	1.00
07/20/17	Ashley I. Storey	Per D. Tulchin's request, conducted search of plaintiff's and defendants' exhibit lists for exhibits related to Pelissier.	2.00	2.00
07/20/17	Ashley I. Storey	Per J. Lieberman's request, updated portfolio of plaintiff and defendants' exhibits.	3.00	3.00
07/20/17	Ashley I. Storey	Per J. Lieberman's request, updated highlights of designated deposition transcripts.	0.50	0.50
07/20/17	Collin R. Riggs	Prepared trial materials for attorney review.	10.00	10.00
07/20/17	Darya A. Betin	Research request from Anuja Thatte - researching historical annual revenue and number of employees for Universal Instruments Corporation.	0.25	0.25
07/20/17	David B. Tulchin	Trial preparation.	9.25	9.25
07/20/17	Fabian R. Menendez	Copy deposition disks to external pad lock drive.	5.00	5.00
07/20/17	Jacob B. Lieberman	Meeting with D. Tulchin re: C. Taylor counter-designations.	0.50	0.50
07/20/17	Jacob B. Lieberman	Revising R. Crawford direct examination outline.	10.50	10.50
07/20/17	Jacob B. Lieberman	QC review of counter-designations and objections to plaintiff's designations.	1.25	1.25
07/20/17	Jacob B. Lieberman	Drafting filing for counter-designations and objections to plaintiff's deposition designations.	1.75	1.75
07/20/17	Jacob B. Lieberman	Reviewing objections being withdrawn from plaintiff's exhibits.	0.50	0.50
07/20/17	Jacob B. Lieberman	Meeting with D. Tulchin, T. White, A. Brebner and A. Thatte re: Plaintiff's demonstrative at exhibit one.	2.25	2.25
07/20/17	Jimmy T. Phan	Process and load Plaintiff's Exhibits/production documents and load into Viewpoint for immediate review requested by M. Sam	2.75	2.75
07/20/17	Jimmy T. Phan	Coordinate with team members A. Mian, A. Kordic, and F. Menendez handling deposition/transcription related media (CD/DVD) copy to hard drive; Handle portion of media copy and troubleshoot problematic media (not accessible/readable) requested by C. Riggs instructed by J. Chan	3.75	3.75
07/20/17	John K. Tully	Pull D&B report and research availability of historical D&B reports for A. Thatte	0.25	0.25
07/20/17	Mili Sam	Discussion with J. Chan regarding plaintiff production processing. Communication with W. Buckingham regarding plaintiff production documents. Prepared production for loading. Communication with J. Phan regarding status of production processing.	1.25	1.25
07/20/17	Sean S. Whalen	Per A. Brebner, prepared one set of Plaintiff's Trial Exhibits.	0.50	0.50
07/20/17	Thomas C. White	Revise Lindner direct examination. Revise draft demonstratives. Telecon Blacker re: direct examination and preparing for cross. Team meeting re: strategy, plaintiff's demonstratives. Review key record documents.	9.25	9.25
07/20/17	William J. Buckingham	Preparing a set of all plaintiff productions to be uploaded to review platform. Assisting with compiling full sets of relevant trial exhibits for various witnesses. Assisting with preparing the list of supplies for the trial site, and other trial logistics. Assist with preparing cross-examination binders for several witnesses. Field several smaller requests related to preparation for trial.	10.25	10.25
07/21/17	Adam R. Brebner	Review exhibits for trial; prepare demonstratives; call with A Rose and trial tech; numerous communications with team re trial prep; prepare for examinations at trial	6.50	6.50
07/21/17	Anuja D. Thatte	Editing Saidi direct examination outline.	6.25	6.25
07/21/17	Anuja D. Thatte	Editing direct examination outlines for Lindner and Saidi.	4.50	4.50
07/21/17	Ashley I. Storey	Per J. Lieberman's request, updated trial supply list.	0.50	0.50
07/21/17	Ashley I. Storey	Per J. Lieberman's request, attended legal assistant team meeting to discuss upcoming assignments and status of work product.	0.75	0.75
07/21/17	Ashley I. Storey	Per A. Thatte's request, updated completed folder of deposition digests.	0.75	0.75
07/21/17	Collin R. Riggs	Prepared trial prep materials.	10.00	10.00
07/21/17	David B. Tulchin	Trial preparation.	8.50	8.50
07/21/17	Jacob B. Lieberman	Preparing updated defendants' exhibit list and revised list of objections to plaintiff's exhibits.	1.75	1.75

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/21/17	Jacob B. Lieberman	Revising and editing R. Crawford direct examination outline.	5.75	5.75
07/21/17	Jacob B. Lieberman	Preparing MTA documents for inclusion on defendants' exhibit list.	0.25	0.25
07/21/17	Jimmy T. Phan	Finalize transcripts/depositions related media copy to hard drives with quality assurance check and verification; Email correspondence to M. Sam regarding Viewpoint custom/systems fields for sort order coding; Process new documents (ref: COC# 0007) and load into Viewpoint's review platform for immediate review requested by J. Chan & M. Sam	3.75	3.75
07/21/17	Joseph C. Chan	Coordinate with internal tech team to create directory listing and unique folders as per request of C. Riggs. Create additional padlock drive as per case team request.	0.50	0.50
07/21/17	Ken Chen	Set up a new padlock drive and make copy of the ranscript drive. Monitor drive copy to ensure no error.	1.00	1.00
07/21/17	Mili Sam	Prepared remaining plaintiff production for processing. Communication with J. Phan regarding status of production processing.	1.50	1.50
07/21/17	Tariq Khwaja	Search for company information on Univeral Instruments Corporation from 2007-2008 for Anuja Thatte.	0.25	0.25
07/21/17	Thomas C. White	Revise Lindner direct examination and conf Thatte re same. Revise demonstratives and conf Tulchin re same. Telecons Brebner, Mayron re research projects. Confs Lieberman re exhibit issues.	9.50	9.50
07/21/17	William J. Buckingham	Assist with preparation of direct examination binders for several witnesses. Assist with updating defendant objections to plaintiff trial exhibits. Assist with preparation of supplies to order for trial. Assist with preparation of Charging Conference binder. Fielding various smaller requests related to preparations for trial.	7.75	7.75
07/22/17	Adam R. Brebner	Prepare for examination of Ford; review exhibits for trial; prepare demonstratives for trial	4.75	4.75
07/22/17	David B. Tulchin	Reviewing and revising the direct examination of Said Saidi.	2.50	2.50
07/22/17	Kimberly N. Council	Search for precedents of opening statements from David Tulchin, and any internal presentations on opening statements for Thomas White.	0.50	0.50
07/22/17	Thomas C. White	Revise two rounds of draft demonstratives. Revise draft Blacker direct examination. Telecon Blacker re damages analysis. Emails with Tulchin and Brebner re same.	5.25	5.25
07/22/17	William J. Buckingham	Assist with preparing several direct examination binders for various witnesses.	6.75	6.75
07/23/17	Adam R. Brebner	Prepare for examinations at trial; prepare demonstratives for trial; communications with team re same	1.50	1.50
07/23/17	Ashley I. Storey	Per J. Lieberman's request, began preparing documents for war room.	8.00	8.00
07/23/17	Ashley I. Storey	Per A. Brebner's request, prepared materials of Evans related trial exhibits.	0.50	0.50
07/23/17	Collin R. Riggs	Prepared trial materials.	10.25	10.25
07/23/17	David B. Tulchin	Review and revise directs of Crawford and Lindner.	4.00	4.00
07/23/17	Thomas C. White	Revise multiple drafts of demonstratives. E-mails re: damages analysis. Outline O'Leary cross. Outline opening statement.	1.25	1.25
07/24/17	Adam R. Brebner	Prepare for examinations at trial; prepare outline of Hampton issues; numerous communications with team; review exhibits and exhibit objections	10.75	10.75
07/24/17	Anuja D. Thatte	Meeting with D. Tulchin, T. White and J. Lieberman re: direct examination outline comments.	1.00	1.00
07/24/17	Anuja D. Thatte	Editing Lindner direct examination outline.	11.50	11.50
07/24/17	Anuja D. Thatte	Reviewing D. Tulchin comments on Saidi and Lindner direct examination outlines.	0.75	0.75
07/24/17	Anuja D. Thatte	Editing Saidi direct examination outline.	3.00	3.00
07/24/17	Anuja D. Thatte	Meeting with D. Tulchin re: Saidi direct examination outline.	0.50	0.50
07/24/17	Ashley I. Storey	Per D. Tulchin's request, prepared updated materials for Caudrillier witness folder.	2.00	2.00
07/24/17	Ashley I. Storey	Per D. Tulchin's request, prepared index of materials for Caudrillier witness folder.	1.00	1.00
07/24/17	Ashley I. Storey	Per D. Tulchin's request, prepared updated materials for Lundy witness folder.	2.00	2.00

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/24/17	Ashley I. Storey	Per D. Tulchin's request, prepared index of materials for Lundy witness folder.	2.00	2.00
07/24/17	Ashley I. Storey	Per A. Brebner's request, finalized binder of Evans related materials.	4.00	4.00
07/24/17	Ashley I. Storey	Per J. Lieberman's request, continued prep of war room materials.	1.50	1.50
07/24/17	Brianna N. Banks	Continued quality checking correspondence to be sent to the Court	3.75	3.75
07/24/17	Brianna N. Banks	Quality checked correspondence before they were sent to the Court	0.75	0.75
07/24/17	Collin R. Riggs	Prepared trial materials.	12.00	12.00
07/24/17	David B. Tulchin	Trial preparation.	9.00	9.00
07/24/17	Jacob B. Lieberman	Meeting with D. Tulchin, T. White and A. Thatte re: direct examination outlines.	1.00	1.00
07/24/17	Jacob B. Lieberman	Drafting summary of plaintiff's withdrawn objections.	0.50	0.50
07/24/17	Jacob B. Lieberman	Attention to e-mail correspondence with legal assistants re: compiling trial preparation materials.	0.75	0.75
07/24/17	Jacob B. Lieberman	Reviewing plaintiff's proposed jury instructions.	0.50	0.50
07/24/17	Jacob B. Lieberman	Drafting summary of changes to plaintiff's exhibit list.	0.50	0.50
07/24/17	Jacob B. Lieberman	Meeting with T. White re: <b>PRIVILEGE REDACTED</b>	0.25	0.25
07/24/17	Jacob B. Lieberman	Revising R. Crawford direct examination outline.	8.50	8.50
07/24/17	Marybeth C. Nametz	Reviewed correspondence documents for Defendant Trial Exhibits in preparation for upcoming trial.	1.25	1.25
07/24/17	Nikol A. Oydanch	Reviewed documents for quality check as requested by M. Perkins.	1.00	1.00
07/24/17	Sean S. Whalen	Per Jake Lieberman, document production, tab and binder 2 sets of each of deposition transcripts and digests; trial witness depositions; and written discovery for A. Storey.	3.00	3.00
07/24/17	Sean S. Whalen	Per J. Lieberman, prepared one set of Lundy exhibits, organized into labeled folders.	0.50	0.50
07/24/17	Sean S. Whalen	Per J. Lieberman, prepared one set of Pelissier witness material for C. Riggs.	1.25	1.25
07/24/17	Thomas C. White	Revise Lindner direct examination. Outline opening statement. Outline O'Leary cross examination. Revise demonstratives per DBT comments. Conf Lieberman re: damages issues. Lengthy telecon Blacker re: direct examination. Revise Blacker direct examination. Telecon Bjerk re: witness prep. Conf Tulchin, Thatte, Lieberman re: revising direct examinations. Conf Tulchin, Brebner re: revisions to demonstratives.	9.50	9.50
07/24/17	William J. Buckingham	Assist with reviewing trial exhibits to establish plaintiff's bids for various contracts. Assist with preparing witness binders. Assist with preparing list of supplies to be sent to trial site. Field various smaller requests related to trial preparation.	11.25	11.25
07/25/17	Adam R. Brebner	Prepare outline for Hampton issues; prepare for witness examinations; attention to exhibits and objections; numerous communications with team	7.75	7.75
07/25/17	Anuja D. Thatte	Miscellaneous tasks re: preparing materials for trial (exhibits, research, etc.).	4.75	4.75
07/25/17	Anuja D. Thatte	Editing Saidi direct examination outline.	5.50	5.50
07/25/17	Ashley I. Storey	Per D. Tulchin's request, updated portfolio of plaintiff and defendant trial exhibits.	2.00	2.00
07/25/17	Ashley I. Storey	Per J. Lieberman's request, finalized Caudrillier witness folder materials.	1.00	1.00
07/25/17	Ashley I. Storey	Per J. Lieberman's request, created binder of Lundy related plaintiff's exhibits.	2.50	2.50
07/25/17	Brianna N. Banks	Assisted with creating a medium to keep briefs and exhibits organized and easily accessible for trial	1.50	1.50
07/25/17	Brianna N. Banks	Organized and reviewed documents in preparation for trial	0.25	0.25
07/25/17	Collin R. Riggs	Prepared for trial.	14.00	14.00
07/25/17	David B. Tulchin	Trial preparation.	7.50	7.50
07/25/17	Jacob B. Lieberman	Reviewing and revising S. Hampton cross examination outline.	3.25	3.25
07/25/17	Jacob B. Lieberman	Revising R. Crawford direct examination outline; preparing binders re: direct examination outline.	4.75	4.75
07/25/17	Jacob B. Lieberman	E-mail correspondence with T. White re: documents of interest.	0.50	0.50

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/25/17	Jacob B. Lieberman	Attention to correspondence with legal assistants re: preparing and distributing trial preparation materials.	2.00	2.00
07/25/17	Jacob B. Lieberman	Drafting chronology re: <b>PRIVILEGE REDACTED</b>	2.00	2.00
07/25/17	Jacob B. Lieberman	Reviewing plaintiff's proposed jury instructions.	0.50	0.50
07/25/17	Melissa Caprio-Lopez	Print documents, then clip and put in manila folders for Collin Riggs and Ashley Storey - Attorney Jake Lieberman	3.00	3.00
07/25/17	Sadel J. Desir	Gathering and putting together Saidi Direct Examination materials for attorney review.	2.00	2.00
07/25/17	Thomas C. White	Revise draft demonstratives and circulate comments. Revise Lindner direct and circulate comments; follow-ups with Thatte. Revise Crawford direct and circulate comments; follow-ups with Lieberman. Review circulated <b>PRIVILEGE REDACTED</b> Revise Blacker direct and demonstratives. Review documents and deposition for O'Leary cross; revise outline for O'Leary cross. Conf Tulchin and Brebner re exhibits strategy.	9.00	9.00
07/25/17	William J. Buckingham	Assist with reviewing trial exhibits to establish plaintiff's bids for various contracts. Assist with preparing direct examination binders. Field various smaller requests related to trial preparation.	7.50	7.50
07/26/17	Adam R. Brebner	Prepare for examinations of witnesses; attention to exhibits and exhibit objections; numerous communications with team and co-counsel	8.50	8.50
07/26/17	Anuja D. Thatte	Drafting memo re: Requests to Charge.	3.00	3.00
07/26/17	Anuja D. Thatte	Meeting with D. Tulchin re: opening slides.	0.25	0.25
07/26/17	Anuja D. Thatte	Editing and reviewing opening demonstrative slides.	1.50	1.50
07/26/17	Anuja D. Thatte	Call with S. Saidi re: witness prep.	2.00	2.00
07/26/17	Anuja D. Thatte	Tasks re: trial preparation (preparing and reviewing exhibits, etc.).	2.25	2.25
07/26/17	Anuja D. Thatte	Drafting objections to P-1 demonstrative provided by Universal.	2.00	2.00
07/26/17	Ashley I. Storey	Per J. Lieberman's request, created motions in limine dispositions chart.	2.50	2.50
07/26/17	Ashley I. Storey	Per J. Lieberman's request, prepared binder of hearing transcripts for war room.	3.00	3.00
07/26/17	Ashley I. Storey	Per J. Lieberman's request, had team conference call to discuss status of projects and upcoming assignments.	1.50	1.50
07/26/17	Ashley I. Storey	Per J. Lieberman's request, prepared materials for Hampton witness folder.	2.75	2.75
07/26/17	Ashley I. Storey	Per J. Lieberman's request, created binder of newly stamped plaintiff's exhibits.	0.50	0.50
07/26/17	Ashley I. Storey	Per J. Lieberman's request, updated motions in limine dispositions chart.	2.50	2.50
07/26/17	Collin R. Riggs	Prepared for trial.	12.00	12.00
07/26/17	David B. Tulchin	Trial preparation.	10.50	10.50
07/26/17	Jacob B. Lieberman	Call with Jared DuJack and A. Thatte re: Caudrillier deposition video; follow-up e-mails re: same.	0.25	0.25
07/26/17	Jacob B. Lieberman	Preparing trial preparation materials (including witness folders, binders and exhibits).	6.25	6.25
07/26/17	Jacob B. Lieberman	Reviewing e-mail attachments for documents on defendants' exhibit list; e-mail correspondence with legal assistants re: same.	1.50	1.50
07/26/17	Jacob B. Lieberman	Reviewing proposed demonstratives.	0.50	0.50
07/26/17	Jacob B. Lieberman	Preparing additional exhibits and updated exhibit list.	0.50	0.50
07/26/17	Jacob B. Lieberman	Call with legal assistants re: trial preparation materials.	0.50	0.50
07/26/17	Jacob B. Lieberman	Relativity training with T. Garvey.	0.75	0.75
07/26/17	Jacob B. Lieberman	Call with T. Garvey, R. Folio and A. Mayron re: <b>PRIVILEGE REDACTED</b>	0.25	0.25
07/26/17	Jacob B. Lieberman	Reviewing damages comparison between <b>PRIVILEGE REDACTED</b>	0.25	0.25
07/26/17	Jacob B. Lieberman	Attention to e-mails with legal assistants re: trial preparation materials.	2.25	2.25
07/26/17	Jacob B. Lieberman	Drafting e-mail to D. Tulchin re: documents cited in B. Lundy affidavit.	0.50	0.50
07/26/17	Jacob B. Lieberman	Determining whether to include certain documents cited in Blacker reports on defendants' exhibit list.	0.75	0.75
07/26/17	Marybeth C. Nametz	Prepared and reviewed exhibit documents from previous deposition.	1.75	1.75



Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/26/17	Michael D. Pearson	Research with regard to criticism of expert witness, Scott Hampton. Requested by Anuja Thatte.	0.75	0.75
07/26/17	Mili Sam	Communication with A. Thatte regarding case status and C. Julian regarding analyst assignment.	0.25	0.25
07/26/17	Sean S. Whalen	Per J. Lieberman, prepared one set of Hampton witness material for A. Storey.	0.50	0.50
07/26/17	Sean S. Whalen	Per J. Lieberman, prepared one set of DeMuth witness material for C. Riggs.	0.50	0.50
07/26/17	Thomas C. White	Revise O'Leary cross examination outline. Review Saidi direct examination. Telecon Saidi re prep for trial. Review <b>PRIVILEGE REDACTED</b> Telecon Tulchin re opening. Outline opening statement. Conf H Kaplan re strategy.	10.00	10.00
07/26/17	William J. Buckingham	Assist with preparing updating various defendant trial exhibits. Assist with reviewing recently received plaintiff trial exhibits, distributing electronic copies, and preparing hard copies for distribution. Assist with preparing hard copies of Direct Examination binders for use at meetings. Assist with preparing witness folders. Field various smaller tasks related to trial preparation.	14.50	14.50
07/27/17	Adam R. Brebner	Prepare for Rickard direct; conference with Rickard; correspondence with opposing counsel re exhibits; prepare for cross examination; review exhibits; numerous communications with team	10.25	10.25
07/27/17	Andrew W. Williams	Traveled to Albany received and set up technology for start of trial	12.00	6.00
07/27/17	Anuja D. Thatte	Reviewing e-mails from S. Saidi and related production tasks.	1.00	1.00
07/27/17	Anuja D. Thatte	Tasks re: trial preparation.	0.75	0.75
07/27/17	Anuja D. Thatte	Reviewing e-mails sent by S. Saidi.	0.50	0.50
07/27/17	Anuja D. Thatte	Meeting with D. Tulchin, T. White and J. Lieberman re: Rule 50 motion.	0.50	0.50
07/27/17	Anuja D. Thatte	Editing opening statement slides cont'd.	1.25	1.25
07/27/17	Anuja D. Thatte	Reviewing documents in preparation for trial.	0.75	0.75
07/27/17	Anuja D. Thatte	Editing slides for opening statement.	0.50	0.50
07/27/17	Anuja D. Thatte	Editing slides for opening statement cont'd.	1.00	1.00
07/27/17	Anuja D. Thatte	Drafting Request to Charge memo.	5.25	5.25
07/27/17	Ashley I. Storey	Per J. Lieberman's request, prepared materials for Hampton witness folder.	1.00	1.00
07/27/17	Ashley I. Storey	Per J. Lieberman's request, updated hearing transcript binders.	0.75	0.75
07/27/17	Ashley I. Storey	Per J. Lieberman's request, performed QC of prepared trial materials.	6.00	6.00
07/27/17	Ashley I. Storey	Per J. Lieberman's request, continued QC of prepared trial materials.	6.00	6.00
07/27/17	Brianna N. Banks	Quality checked all documents set to be sent to Albany for trial.	1.00	1.00
07/27/17	Brianna N. Banks	Assisted with preparations for trial.	0.75	0.75
07/27/17	Brianna N. Banks	Assisted with ensuring that all relevant documents were sent to Albany for trial.	0.50	0.50
07/27/17	Collin R. Riggs	Prepared for trial.	14.00	14.00
07/27/17	David B. Tulchin	Trial preparation.	9.75	9.75
07/27/17	Dylan S. Madoff	Prepared and verified indexes and hard copies of deposition transcripts in preparation for upcoming trial, as per request of M. Perkins.	1.50	1.50
07/27/17	Jacob B. Lieberman	Call with A. Thatte, W. Buckingham, C. Riggs and A. Storey re: preparing materials for trial and packing for the move to Albany.	0.50	0.50
07/27/17	Jacob B. Lieberman	Drafting and revising <b>PRIVILEGE REDACTED</b>	2.00	2.00
07/27/17	Jacob B. Lieberman	Call with Rob Crawford, D. Tulchin and T. White re: direct examination preparation.	2.00	2.00
07/27/17	Jacob B. Lieberman	Preparing demonstrative slides for trial.	0.75	0.75
07/27/17	Jacob B. Lieberman	Preparing exhibit list for submission to the Court on Monday (8/31); correspondence with M. Christenson re: same.	3.25	3.25
07/27/17	Jacob B. Lieberman	Meeting with D. Tulchin re: Caudrillier deposition video.	0.50	0.50
07/27/17	Jacob B. Lieberman	Preparing binders for trial re: witnesses and exhibits.	2.00	2.00
07/27/17	Jimmy T. Phan	Review media copy to hard drives without encryption request (ref: plaintiff & defendant exhibits) and discusses potential risk with M. Sam; Coordinate with team member handling the request.	0.25	0.25
07/27/17	Joseph C. Chan	Download deposition materials from FTP site that were sent to EDLS via MoveIT and upload to hard drive as per request of case team for trial purposes.	1.00	1.00

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/27/17	Karmen Qineti	Assisted A. Storey with the preparation of documents for the upcoming trial, as per requests of J. Lieberman	4.00	4.00
07/27/17	Ken Chen	Per request of Joe Chan, prepare a padlock drive and copy source drive. Monitor drive copy and use Beyond Compare to compare drive upon completion to ensure no errors.	1.00	1.00
07/27/17	Mili Sam	Communication with W. Buckingham regarding exhibits for production, prepared files.	0.75	0.75
07/27/17	Nikol A. Oydanich	Reviewed documents for quality check in preparation for trial departure as requested by M. Perkins.	2.25	2.25
07/27/17	Thomas C. White	Draft opening statement. Draft and revise cross examination of O'Leary. Draft Earley cross examination. <b>PRIVILEGE REDACTED</b> Prepare for and participate in prep session with Rob Crawford.	10.75	10.75
07/27/17	William J. Buckingham	Assist with preparing witness folders. Assist with preparing updating various defendant trial exhibits. Assist with reviewing recently received plaintiff trial exhibits, distributing electronic copies, and preparing hard copies for distribution. Assist with preparing hard copies of various materials for delivery to trial site. Field various smaller tasks related to trial preparation.	11.00	11.00
07/28/17	Adam R. Brebner	Prepare for trial; prepare witness examinations; numerous communications with team	10.00	10.00
07/28/17	Adam R. Brebner	Travel to Albany	1.50	0.75
07/28/17	Andrew W. Williams	Set up and test technology, provide support to legal team.	16.00	16.00
07/28/17	Anuja D. Thatte	Tasks re: trial preparation.	8.00	8.00
07/28/17	Ashley I. Storey	Per J. Lieberman's request, began setting up trial war room.	7.00	7.00
07/28/17	Ashley I. Storey	Travel to Albany via Penn Station	4.75	2.375
07/28/17	Collin R. Riggs	Traveled to Albany and prepared for trial.	15.75	7.875
07/28/17	David B. Tulchin	Trial preparation.	8.00	8.00
07/28/17	Jacob B. Lieberman	E-mail correspondence with T. Almeida re: Caudrillier video.	0.25	0.25
07/28/17	Jacob B. Lieberman	Reviewing new exhibits received from plaintiff; e-mail correspondence re: same.	0.50	0.50
07/28/17	Jacob B. Lieberman	Revising <b>PRIVILEGE REDACTED</b>	0.25	0.25
07/28/17	Jacob B. Lieberman	Preparing materials for transportation to Albany.	4.50	4.50
07/28/17	Jacob B. Lieberman	Revising R. Crawford direct examination outline.	4.00	4.00
07/28/17	Ken Chen	Process COC 0008 into Viewpoint. Extract metadata and text. Tiff problematic documents and run OCR to extract text. Create views as specified on processing form for case team review.	2.50	2.50
07/28/17	Mili Sam	QC of hard drive containing exhibits as requested by W. Buckingham. Prepared exhibits for processing as requested by W. Buckingham.	1.50	1.50
07/28/17	Nikol A. Oydanich	Reviewed court transcripts for quality check as requested by M. Perkins.	2.50	2.50
07/28/17	Thomas C. White	Revise O'Leary cross examination. Review key documents. Revise opening statement. Review O'Leary and Earley deposition transcripts. Revise slides for opening.	6.25	6.25
07/28/17	William J. Buckingham	Assist with preparing witness folders. Assist with reviewing recently received plaintiff trial exhibits and preparing hard copy review set for trial site. Assist with preparing hard copies of various materials for delivery to trial site. Field various smaller tasks related to trial preparation.	10.25	10.25
07/29/17	Adam R. Brebner	Prepare for trial, including prepare witness examinations, review exhibits, review demonstratives, numerous communications with team	8.25	8.25
07/29/17	Andrew W. Williams	Provide technical support to legal team.	12.00	12.00
07/29/17	Anuja D. Thatte	Trial preparation tasks.	5.00	5.00
07/29/17	Ashley I. Storey	Per J. Lieberman's request, continued prep of trial war room and trial materials.	9.00	9.00
07/29/17	Collin R. Riggs	Prepared for trial.	10.25	10.25
07/29/17	David B. Tulchin	Travel to Albany; trial preparation tasks.	8.00	4.00
07/29/17	Jacob B. Lieberman	Travel Time: From New York to Albany for trial.	2.00	1.00
07/29/17	Jacob B. Lieberman	Revising R. Crawford direct examination outline.	4.00	4.00
07/29/17	Jacob B. Lieberman	QC of materials shipped to Albany to make sure everything we need arrived on time.	1.00	1.00
07/29/17	Jacob B. Lieberman	Drafting shell of Rule 50 Brief.	2.00	2.00



Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/29/17	Joseph C. Chan	Created chain of custody entry for exhibit documents to be checked into evidence. Created ViewPoint processing request and sent to technical team for processing and loading into ViewPoint. Ran quality control on documents that have been loaded. Transferred contents of source to media and submitted to evidence for safekeeping. Updated collection log with received source data.	1.25	1.25
07/29/17	Ken Chen	Add more documents to COC 0008 and process into Viewpoint. Extract metadata and text. Remove and replace with documents provided by project team. Update views as specified by project team.	1.25	1.25
07/29/17	Thomas C. White	Travel to Albany. Revise O'Leary cross examination. Review Earley and O'Leary deposition transcripts for cross. Confs Tulchin, Thatte, Lieberman, Brebner.	8.75	4.375
07/30/17	Adam R. Brebner	Prepare for trial, including prepare witness examinations; review exhibits; review briefs; telecon with opposing counsel; numerous communications with team	12.75	12.75
07/30/17	Andrew W. Williams	Provide technical support to legal team	17.00	17.00
07/30/17	Anuja D. Thatte	Tasks re: preparing for trial (Albany, NY).	15.25	15.25
07/30/17	Ashley I. Storey	Per J. Lieberman's request, continued preparation of materials for trial.	16.00	16.00
07/30/17	Collin R. Riggs	Prepared for trial.	16.50	16.50
07/30/17	David B. Tulchin	Trial preparation.	12.00	12.00
07/30/17	Jacob B. Lieberman	E-mail correspondence with legal assistants re: preparing binders.	0.25	0.25
07/30/17	Jacob B. Lieberman	Drafting <b>PRIVILEGE REDACTED</b>	2.50	2.50
07/30/17	Jacob B. Lieberman	Trial preparation logistics (preparing and checking binders, updating outlines, identifying relevant documents and testimony, and cite checking outlines); e-mail correspondence with A. Thatte and Legal Assistants re: same.	10.00	10.00
07/30/17	Jacob B. Lieberman	Researching whether <b>PRIVILEGE REDACTED</b>	1.75	1.75
07/30/17	Mili Sam	Communication with C. Riggs regarding status of exhibits processing, processing additional data.	0.50	0.50
07/30/17	Thomas C. White	Revise opening statement. Rehearse opening statement with team. Numerous confs Tulchin, team, Kaplan. Revise O'Leary cross examination.	12.75	12.75
07/30/17	William J. Buckingham	Updating Defendant's Trial Exhibits List with recently added exhibits and reviewing list for accuracy. Assist with preparing reference spreadsheet cross-referencing Deposition Exhibits and Trial Exhibits for various witnesses.	6.25	6.25
07/31/17	Adam R. Brebner	Prepare for trial examinations; attend trail; numerous communications with team	15.00	15.00
07/31/17	Alma Kordic	Work related to processing data in ViewPoint for case team review per M. Sam's request.	0.75	0.75
07/31/17	Andrew W. Williams	Provide technical support to legal team	17.00	17.00
07/31/17	Anuja D. Thatte	Preparing for trial.	2.00	2.00
07/31/17	Anuja D. Thatte	Attending / assisting with trial.	7.00	7.00
07/31/17	Anuja D. Thatte	Preparing for trial.	7.00	7.00
07/31/17	Ashley I. Storey	Per J. Lieberman's request, continued preparation of witness materials for trial.	17.25	17.25
07/31/17	Collin R. Riggs	Prepared for and attended trial.	14.00	14.00
07/31/17	David B. Tulchin	Trial and prep.	13.50	13.50
07/31/17	Jacob B. Lieberman	Trial preparation logistics (including, preparing and checking binders, updating outlines, identifying relevant documents and testimony, and cite checking outlines); e-mail correspondence with A. Thatte and Legal Assistants re: same.	9.25	9.25
07/31/17	Jacob B. Lieberman	Trial -- Universal v. MSEI.	7.00	7.00
07/31/17	Jimmy T. Phan	Review new documents' processing request and coordinate with A. Kordic handling the task per M. Sam	0.25	0.25
07/31/17	Mili Sam	Prepared exhibits for processing as requested by C. Riggs. Communication with C. Riggs regarding status of document processing.	0.75	0.75
07/31/17	Thomas C. White	Rehearse opening. Prepare for O'Leary cross. Trial (day one).	13.50	13.50

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
07/31/17	William J. Buckingham	Assist with preparing witness folders. Updating spreadsheet of deposition exhibits cross-referenced with trial exhibits for various witnesses. Assist with fielding various smaller requests related to trial.	11.75	11.75
08/01/17	Adam R. Brebner	Prepare for witness examinations at trial; various communications with opposing counsel and team; attend trial	15.25	15.25
08/01/17	Alma Kordic	Work related to processing data in ViewPoint for case team review per M. Sam's request.	1.00	1.00
08/01/17	Andrew W. Williams	Provide technical support to legal team	17.00	17.00
08/01/17	Angie Garcia	Travel from 125 Broad Street, New York, NY to 677 Broadway, Albany, NY regarding assistance with trial preparation.	4.00	2.00
08/01/17	Angie Garcia	Assist to prepare materials for trial.	5.00	5.00
08/01/17	Anuja D. Thatte	Preparing for trial.	2.00	2.00
08/01/17	Anuja D. Thatte	Attending / assisting with trial.	7.00	7.00
08/01/17	Anuja D. Thatte	Preparing for trial.	6.00	6.00
08/01/17	Ashley I. Storey	Per J. Lieberman's request, continued prep of witness trial materials.	6.00	6.00
08/01/17	Ashley I. Storey	Per J. Lieberman's request, continued preparing witness materials for trial.	12.00	12.00
08/01/17	Collin R. Riggs	Prepared for and attended trial.	20.75	20.75
08/01/17	David B. Tulchin	Trial and trial prep.	13.00	13.00
08/01/17	Jacob B. Lieberman	Trial -- Universal v. MSEI	6.50	6.50
08/01/17	Jacob B. Lieberman	Trial preparation logistics (including, preparing and checking binders, updating outlines, identifying relevant documents and testimony, and cite checking outlines); e-mail correspondence with A. Thatte and Legal Assistants re: same.	8.75	8.75
08/01/17	Ken Nakamura	Preparation and shipment of laptop for newly assigned Legal Assistant, and two Surface Pro 4 for court room use.	1.75	1.75
08/01/17	Mili Sam	Communication with C. Riggs regarding document processing, prepared document for processing.	0.50	0.50
08/01/17	Thomas C. White	Prepare for Early cross examination. Day 2 of trial. Numerous confs with Tulchin, witnesses, client.	12.75	12.75
08/01/17	William J. Buckingham	Assist with preparing witness folders. Updating spreadsheet of deposition exhibits cross-referenced with trial exhibits for various witnesses. Assist with preparing exhibits for printing. Assist with fielding various smaller requests related to trial.	6.00	6.00
08/02/17	Adam R. Brebner	Prepare for examinations at trial; attend trial; prepare rule 50 motion; numerous communications with team	15.00	15.00
08/02/17	Andrew W. Williams	Provide technical support to legal team	17.00	17.00
08/02/17	Angie Garcia	Assist to prepare materials for trial.	0.50	0.50
08/02/17	Angie Garcia	Assist with preparation of trial materials and attend trial.	17.00	17.00
08/02/17	Anuja D. Thatte	Preparing for trial.	8.00	8.00
08/02/17	Anuja D. Thatte	Attending / assisting with trial.	7.00	7.00
08/02/17	Anuja D. Thatte	Preparing for trial.	2.00	2.00
08/02/17	Ashley I. Storey	Per J. Lieberman's request, continued preparing witness materials for trial.	0.75	0.75
08/02/17	Ashley I. Storey	Per J. Lieberman's request, continued preparing witness materials for trial.	16.50	16.50
08/02/17	Ashley I. Storey	Per J. Lieberman's request, continued preparing witness materials for trial.	0.50	0.50
08/02/17	Collin R. Riggs	Prepared for and attended trial.	13.00	13.00
08/02/17	David B. Tulchin	Trial and trial prep.	12.50	12.50
08/02/17	Jacky Q. Long	QCed processing job of coc 023109-00001-0009 and updated the form.	0.50	0.50
08/02/17	Jacob B. Lieberman	Trial -- Universal v. MSEI	7.50	7.50
08/02/17	Jacob B. Lieberman	Trial preparation logistics (including, preparing and checking binders, updating outlines, identifying relevant documents and testimony, and cite checking outlines); e-mail correspondence with A. Thatte and Legal Assistants re: same.	8.50	8.50
08/02/17	Jimmy T. Phan	Process defendant's exhibit and load into Viewpoint for immediate review requested by M. Sam	0.75	0.75

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
08/02/17	Mili Sam	Communication with C. Riggs regarding document for processing, prepared document for processing. Communication with J. Phan and C. Riggs regarding status of document processing and database access to A. Garcia.	0.75	0.75
08/02/17	Thomas C. White	Revise Blacker draft direct examination. Trial day 3. Revise draft Rule 50 motion; team e-mails and confs re: same.	13.75	13.75
08/03/17	Adam R. Brebner	Prepare for examinations at trial; attend trial; prepare rule 50 motion; various communications with team	16.25	16.25
08/03/17	Alma Kordic	Work related to QC of processed data in ViewPoint and completion of quality control forms per J. Phan's request.	0.25	0.25
08/03/17	Andrew W. Williams	Provide technical support to legal team	18.00	18.00
08/03/17	Angie Garcia	Assist with preparation of trial materials and attend trial.	16.75	16.75
08/03/17	Angie Garcia	Assist with preparation of trial materials and attend trial.	1.00	1.00
08/03/17	Anuja D. Thatte	Attending / assisting with trial.	7.00	7.00
08/03/17	Anuja D. Thatte	Drafting R. 50 motion and related trial preparation tasks.	9.00	9.00
08/03/17	Anuja D. Thatte	Preparing for trial.	2.00	2.00
08/03/17	Ashley I. Storey	Per J. Lieberman's request, continued preparing witness materials for trial.	1.00	1.00
08/03/17	Ashley I. Storey	Per J. Lieberman's request, continued preparing witness materials for trial.	14.00	14.00
08/03/17	Collin R. Riggs	Prepared for and attended trial.	16.50	16.50
08/03/17	David B. Tulchin	Trial, etc.	16.00	16.00
08/03/17	Jacob B. Lieberman	Trial preparation logistics (including, preparing and checking binders, updating outlines, identifying relevant documents and testimony, preparing demonstratives and cite checking outlines); e-mail correspondence with A. Thatte and Legal Assistants re: same.	10.25	10.25
08/03/17	Jacob B. Lieberman	Trial -- Universla v. MSEI	7.00	7.00
08/03/17	Mili Sam	Communication with C. Riggs regarding document for processing.	0.25	0.25
08/03/17	Thomas C. White	Trial day 4. Revise draft Rule 50 brief and confs re: same. Prepare for Blacker testimony.	14.00	14.00
08/04/17	Adam R. Brebner	Prepare rule 50 motion; prepare for trial; attend trial; various communications with team, co-counsel and opposing counsel	10.75	10.75
08/04/17	Alma Kordic	Work related to processing data in ViewPoint for case team review per J. Phan's request.	0.50	0.50
08/04/17	Andrew W. Williams	Provide technical support to legal team	10.00	10.00
08/04/17	Angie Garcia	Assist with preparation of trial materials and attend trial.	1.50	1.50
08/04/17	Angie Garcia	Assist with preparation of trial materials and attend trial.	10.00	10.00
08/04/17	Anuja D. Thatte	Preparing for trial.	2.00	2.00
08/04/17	Anuja D. Thatte	Attending / assisting with trial.	7.00	7.00
08/04/17	Ashley I. Storey	Per J. Lieberman's request, continued preparing witness materials for trial.	10.75	10.75
08/04/17	Ashley I. Storey	Per J. Lieberman's request, continued preparing witness materials for trial.	1.75	1.75
08/04/17	Collin R. Riggs	Prepared for and attended trial.	13.00	13.00
08/04/17	David B. Tulchin	Trial, etc.	11.25	11.25
08/04/17	Jacob B. Lieberman	Trial -- Universal v. MSEI	7.00	7.00
08/04/17	Jacob B. Lieberman	Trial preparation logistics (including, updating outlines and identifying relevant documents and testimony); e-mail correspondence with A. Thatte and Legal Assistants re: same.	2.25	2.25
08/04/17	Ken Chen	Perform Viewpoint processing QC for COC 0011 and update QC form.	0.75	0.75
08/04/17	Mili Sam	Prepared documents for processing. Communication with A. Kordic and C. Riggs regarding status of document processing.	0.75	0.75
08/04/17	Thomas C. White	Trial day 5. Prepare for Blacker direct.	10.50	10.50
08/05/17	Adam R. Brebner	Prepare for examination of Blacker; prepare supplement to rule 50 motion; assist with preparation for summation; numerous communications with team	9.50	9.50
08/05/17	Andrew W. Williams	Provide technical support to legal team in Albany	11.00	11.00
08/05/17	Angie Garcia	Assist with preparation of trial materials.	9.50	9.50
08/05/17	Anuja D. Thatte	Preparing for trial.	9.00	9.00

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
08/05/17	Ashley I. Storey	Per J. Lieberman's request, continued preparing witness materials and summation materials for trial.	9.50	9.50
08/05/17	Collin R. Riggs	Prepared for trial.	9.50	9.50
08/05/17	David B. Tulchin	Preparation for trial next week.	7.50	7.50
08/05/17	Jacob B. Lieberman	Trial preparation logistics (preparing and checking binders, updating outlines, identifying relevant documents and testimony, drafting modules for closing argument, preparing demonstratives for closing); e-mail correspondence with A. Thatte and Legal Assistants re: same.	7.00	7.00
08/05/17	Jacob B. Lieberman	Cite check of Rule 50 brief.	2.00	2.00
08/05/17	Thomas C. White	Revise Blacker direct examination. Prepare for Crawford meeting. Revise Crawford direct examination. Revise Blacker slides.	8.75	8.75
08/06/17	Adam R. Brebner	Assist with prepare for summation; assist with prepare for Blacker direct; review/revise proposed jury charge and verdict form; prepare supplemental memorandum in support of Rule 50 motion; numerous communications with team, co-counsel	12.25	12.25
08/06/17	Andrew W. Williams	Provide technical support to legal team	17.00	17.00
08/06/17	Angie Garcia	Assist with preparation of trial materials.	13.00	13.00
08/06/17	Anuja D. Thatte	Preparing for trial, including tasks relating to closing slides and supplemental requests to charge/revise verdict form.	19.00	19.00
08/06/17	Ashley I. Storey	Per J. Lieberman's request, continued preparing summation materials for trial.	14.25	14.25
08/06/17	Collin R. Riggs	Prepared for trial.	14.00	14.00
08/06/17	David B. Tulchin	Trial prep.	14.00	14.00
08/06/17	Jacob B. Lieberman	Preparing modules and slides for closing argument; correspondence with A. Thatte, J. Haase and legal assistants re: same.	13.75	13.75
08/06/17	Thomas C. White	Revise Blacker direct examination. Revise Blacker slides. Revise Crawford direct examination. Meeting with Crawford to prep. Dinner-meeting with Blacker re: rehearsal for direct and cross prep.	11.75	11.75
08/07/17	Adam R. Brebner	Prepare for trial; attend trial; discussions with team and client	8.25	8.25
08/07/17	Adam R. Brebner	Travel from Albany to NYC	3.00	1.50
08/07/17	Andrew W. Williams	Provide technical support to legal team	10.00	10.00
08/07/17	Angie Garcia	Assist with preparation of trial materials and attend trial.	10.25	10.25
08/07/17	Anuja D. Thatte	Attending / assisting with trial.	5.00	5.00
08/07/17	Anuja D. Thatte	Preparing for trial.	2.00	2.00
08/07/17	Ashley I. Storey	Per J. Lieberman's request, continued preparing summation materials for trial.	9.25	9.25
08/07/17	Collin R. Riggs	Prepared for and attended trial.	10.25	10.25
08/07/17	David B. Tulchin	Trial, etc.	8.50	8.50
08/07/17	Jacob B. Lieberman	Trial -- Universal v. MSEI	5.25	5.25
08/07/17	Jacob B. Lieberman	Preparing slides for closing argument.	2.00	2.00
08/07/17	Thomas C. White	Review Blacker and Crawford direct examinations. Trial day 6. Review plaintiff Rule 50 opposition. Travel to New York.	10.25	5.125
08/08/17	Adam R. Brebner	Review summary order and decision; research fee application; call with T. White; various email with team	0.75	0.75
08/08/17	Andrew W. Williams	Breakdown war room, coordinate and prepare equipment to be returned to vendor.	13.00	13.00
08/08/17	Angie Garcia	Pack and send trial materials to 125 Broad St.	7.00	7.00
08/08/17	Angie Garcia	Travel from 677 Broadway, Albany, NY to 125 Broad Street, New York, NY regarding assistance with trial preparation.	4.00	2.00
08/08/17	Ashley I. Storey	Traveled back to Penn Station from Albany trial site.	3.75	1.875
08/08/17	Ashley I. Storey	Per J. Lieberman's request, packed up trial materials to be sent back to 125 Broad.	7.00	7.00
08/08/17	Collin R. Riggs	Tore down and packed up trial site. Traveled back to New York.	11.00	5.50
08/08/17	David B. Tulchin	Read Order and Judgment; e-mails about the order and other matters.	1.50	1.50
08/08/17	Jacob B. Lieberman	Travel time: Albany to New York.	3.50	1.25
08/08/17	Thomas C. White	Research attorneys' fees availability. Telecon Brebner re same. Review transcript, final order.	1.25	1.25
08/09/17	Adam R. Brebner	prepare fees motion; review revised judgment; email with team	2.75	2.75
08/09/17	Andrew W. Williams	Oversea pick up of equipment and travel back home.	8.00	4.00
08/09/17	David B. Tulchin	E-mails; travel from Albany to home.	3.00	1.50

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
08/10/17	Adam R. Brebner	Prepare fees motion; various email with team	4.75	4.75
08/10/17	David B. Tulchin	E-mails with White and Brebner about the issue of attorneys' fees.	0.25	0.25
08/11/17	Adam R. Brebner	Prepare fees' motion; call with Tulchin and White re fees motion; various communications with team re fees motion	5.75	5.75
08/11/17	David B. Tulchin	Review Judgment and Order; research on attorneys' fees; conference call with Brener and White re: fees.	1.00	1.00
08/11/17	Thomas C. White	Review attorney's fees draft. Call with Brebner, Tulchin re: fee application.	0.75	0.75
08/11/17	William J. Buckingham	Preparing hard copy binder of trial transcripts, and preparing index of all trial witnesses.	3.25	3.25
08/12/17	Adam R. Brebner	Prepare motion for attorneys' fees and costs	1.50	1.50
08/12/17	David B. Tulchin	Review and revise draft Memorandum in support of a potential motion seeking attorneys fees; e-mails with Brebner and White; reviewing cross examinations of O'Leary, Pelissier and Caudrillier.	2.50	2.50
08/12/17	Thomas C. White	Review draft attorneys' fees brief.	0.50	0.50
08/13/17	David B. Tulchin	Memo to Schmidt and Bjerk re possible application for attorneys' fees.	0.25	0.25
08/14/17	Adam R. Brebner	Revise motion for attorneys' fees and email re same	1.25	1.25
08/14/17	David B. Tulchin	Review of cross-examinations for eventual use on appeal. <b>PRIVILEGE REDACTED</b> e-mails with Joan Schmidt; brief in support of an application for attorneys' fees; confer Lieberman.	2.75	2.75
08/14/17	Dylan S. Madoff	Located documents related to the August 4th Trial Transcript for Hampton, as per the request of D. Tulchin.	1.50	1.50
08/14/17	Jacob B. Lieberman	Revising attorney's fees and costs brief for comments from A. Brebner.	1.50	1.50
08/14/17	Jacob B. Lieberman	Researching recovery of "full costs" under the Copyright Act.	3.25	3.25
08/14/17	Jacob B. Lieberman	Revising attorney's fees and costs brief based on comments from D. Tulchin.	2.75	2.75
08/14/17	Thomas C. White	Review circulated attorneys' fees brief and comments. Team e-mails re: same.	0.50	0.50
08/15/17	Adam R. Brebner	Prepare fees motion and notice of motion; call with client re fees motion; various communications with team and co-counsel re fees motion	3.50	3.50
08/15/17	David B. Tulchin	Brief in support of a motion seeking attorneys' fees; conference call with Joan Schmidt about an application seeking attorneys' fees; e-mails on several subjects; reading cases about "full costs" and attorneys' fees.	2.25	2.25
08/15/17	Thomas C. White	Review draft attorneys' fees brief. E-mails re: outstanding invoices. Telecon client re: strategy.	0.75	0.75
08/16/17	Adam R. Brebner	Email with Andy Rose and team re costs and fees application	0.75	0.75
08/16/17	Jimmy T. Phan	Review backed log quality assurance check on a processing task, provide technical quality check and sign off requested by J. Chan & G. Reynolds	0.50	0.50
08/16/17	Thomas C. White	Review materials re: fee application. E-mails re: same.	0.50	0.50
08/17/17	Adam R. Brebner	Revise attorneys' fees motion; email re submission of costs with T. White	1.50	1.50
08/17/17	Ashley I. Storey	Per J. Lieberman's request, updated trial materials in LAN folders.	1.00	1.00
08/17/17	David B. Tulchin	E-mails about attorneys' fees motion and other matters.	0.25	0.25
08/17/17	Thomas C. White	Review attorney's fees brief.	0.75	0.75
08/18/17	Adam R. Brebner	Finalize and file fees motion; various communications with team	3.75	3.75
08/18/17	Ashley I. Storey	Per J. Lieberman's request, began upload of defendant's trial exhibits to LAN.	4.75	4.75
08/18/17	Collin R. Riggs	Assisted in preparation of motion for fees.	2.75	2.75
08/18/17	David B. Tulchin	Brief on attorneys' fees motion; e-mails about Bill of Costs; confer White; confer Brebner.	2.25	2.25
08/21/17	Adam R. Brebner	Prepare for and calls with opposing counsel and second circuit mediator re dismissed case; prepare stipulation; meet with Liberman and Riggs re bill of costs	1.50	0.25
08/21/17	Ashley I. Storey	Per J. Lieberman's request, organized witness notebook materials on the LAN.	0.50	0.50
08/21/17	Collin R. Riggs	Worked on preparation of bill of costs.	1.25	1.25
08/21/17	David B. Tulchin	E-mails about today's CAMP conference; confer Brebner; review Stipulation in Second Circuit as to the appel in the second case.	0.50	0.00

Work Date	Timekeeper Name	Narrative	Logged Hours	Effective Hours*
08/22/17	Adam R. Brebner	Submit stipulation extending date for reinstatement of second circuit appeal and email to client re same	0.50	0.00
08/22/17	Collin R. Riggs	Worked on preparation of bill of costs.	1.50	1.50
08/22/17	David B. Tulchin	Prepare estimate of future fees, and e-mails with Haley Bjerk; e-mails with White.	0.25	0.25
08/22/17	Thomas C. White	E-mail to client re: damages invoices; e-mails with Tulchin re: same.	0.25	0.25
08/23/17	Collin R. Riggs	Worked on preparation of bill of costs.	5.25	5.25
08/23/17	Darya A. Betin	Research request from Jacob Lieberman - researching precedent Bill of Costs filed in the Northern District of New York.	0.75	0.75
08/23/17	Jacob B. Lieberman	Drafting affidavit in support of Bill of Costs.	0.25	0.25
08/24/17	Adam R. Brebner	Review draft bill of costs and email re same	0.25	0.25
08/24/17	Collin R. Riggs	Worked on preparation of bill of costs.	5.00	5.00
08/24/17	Jacob B. Lieberman	Reviewing and revising Bill of Costs itemization and form.	1.25	1.25
08/25/17	Adam R. Brebner	Review bill of costs and email re same	0.25	0.25
08/25/17	Collin R. Riggs	Continued preparation of bill of costs.	1.00	1.00
08/25/17	David B. Tulchin	Review Stipulation filed in Second Circuit in the second case; e-mails; review Bill of Costs.	0.50	0.25
08/25/17	Jacob B. Lieberman	Reviewing and revising Bill of Costs itemization.	0.25	0.25
08/25/17	Jacob B. Lieberman	Calls with B. Brabner and M. Christensen re: Bill of Costs.	0.25	0.25
08/25/17	Thomas C. White	E-mails with Lieberman re: reducing cost of document database.	0.25	0.25
08/28/17	Adam R. Brebner	Attend to filing of bill of costs	0.25	0.25
08/28/17	Collin R. Riggs	Continued preparation of bill of costs.	1.00	1.00
08/28/17	Jacob B. Lieberman	Meeting with T. White re: preparations for Second Circuit appeal.	0.75	0.00
08/28/17	Jacob B. Lieberman	Reviewing Bill of Costs filing papers.	0.50	0.50
08/28/17	Thomas C. White	Conf Lieberman re: research issues for appeal, bill of costs.	0.75	0.00
08/30/17	Collin R. Riggs	Prepared binder of bill of costs filings for attorney review.	0.75	0.75
08/30/17	Mili Sam	Communication with J. Chan and vendor regarding forensic image collected.	0.50	0.50
08/31/17	Joseph C. Chan	Create media of Anuja Thatte Biotronik files as per request of case team.	0.50	0.50

# **Exhibit B**



**FILED**

Superior Court of California  
County of Los Angeles

JUN 24 2014

Sherri R. Carter, Executive Officer/Clerk

By M. Arnold, Deputy  
Mary Arnold

SUPERIOR COURT OF THE STATE OF CALIFORNIA

LOS ANGELES COUNTY SUPERIOR COURT

In re the Marriage of:

JAMIE McCOURT,

Petitioner,

and

FRANK McCOURT,

Respondent

Case No.: Case No. BD514309

**COURT'S RULING ON SUBMITTED  
MATTERS - TAKEN UNDER  
SUBMISSION ON APRIL 7, 2014**

On April 7, 2014, a hearing was held in Department 2 of the Los Angeles Superior Court, the Honorable Judge Scott Gordon, presiding, regarding the Respondent's Request for Order Regarding Attorney Fees and Costs Pursuant to §§10 and 12 of the Stipulated Judgment of Dissolution (1/19/2012) and Family Code §§270-271, filed by Respondent on January 30, 2014. At the hearing, the Petitioner was represented by Joseph W. Cotchett and Philip L. Gregory of Cotchett, Pitre & McCarthy LLP and the

1 Respondent was represented by Robert A. Sachs of Sullivan & Cromwell LLP and Anne  
2 Kiley of Trope and Trope.

3  
4 During the course of the hearing, the Respondent argued that his request for attorney  
5 fees was based on two theories. First, he argued that pursuant to the terms of the  
6 parties' January 19, 2012 Judgment in this case, he is entitled to attorney fees as the  
7 prevailing party in the post-judgment litigation held in this matter. In this regard, the  
8 Respondent relies on Civil Code §1717 and Code of Civil Procedure §1021. The  
9 Respondent argued that the terms of the Judgment in this matter provide for the award  
10 of attorney fees that he is requesting with this Request for Orders. The Respondent  
11 further argues that he is entitled to attorney fees and costs pursuant to Family Code  
12 §271.  
13

14  
15 At the hearing, the Respondent argued that under these theories of recovery, he is  
16 entitled to approximately \$1.9 million in attorney fees and costs. During the course of  
17 the hearing, the Respondent argued that although in the pleadings submitted by the  
18 Petitioner she argued that no attorney fees or costs should be awarded, her expert  
19 witness indicated that approximately \$1.5 million is the appropriate amount of fees, if  
20 any were to be awarded.  
21

22 The Respondent argued that based on the Petitioner's conduct in this matter, attorney  
23 fees should be awarded to him pursuant to Family Code §271. The Respondent argued  
24 that based on the evidence presented in this matter, there is no issue presented under  
25

1 Family Code §270 and that the Petitioner's actions in the post-judgment litigation in this  
2 case, should serve as the basis for the imposition of fees as sanctions under this  
3 request.

4  
5 The Respondent argued that during the course of the post-judgment litigation, the  
6 Petitioner shifted her claims regarding the "RSN" document and other key elements of  
7 her position in her Motion to Set Aside the Judgment and Request for Order Pursuant to  
8 Family Code §271. The Respondent urges that the changes in the theories and  
9 evidence presented by the Petitioner in the litigation prior to the evidentiary hearing held  
10 regarding her Motion to Set Aside the Judgment and MSA were tactics that increased  
11 the length, complexity and cost of the post-judgment litigation in this matter. The  
12 Respondent further argued that during the course of the post-judgment litigation the  
13 Petitioner consistently sought to expand and complicate the nature of the litigation.  
14

15  
16 At the evidentiary hearing held with regard to the Petitioner's post-judgment requests,  
17 the Respondent argued that during the course of the post-judgment litigation, the  
18 Petitioner sought to breach the mediation order made in the related Bankruptcy matter  
19 in this case. The Respondent noted that this effort resulted in a sharp and pointed order  
20 against the Petitioner by the Judge in the related Bankruptcy matter. The Respondent  
21 argued that the Petitioner further delayed the resolution of the post-judgment litigation  
22 because she did not comply with the requirements of Family Code §217.  
23  
24  
25



1 He further argued that the attorney fees incurred by the Respondent in the post-  
2 judgment matter were increased due to the Petitioner's litigation tactics. The  
3 Respondent noted that the Petitioner indicated in her witness lists that she was going to  
4 call ten witnesses at the post-judgment hearing. However, at the evidentiary hearing,  
5 Petitioner was the only witness presented in the Petitioner's Case-in-Chief. The  
6 Respondent further argued, that the Petitioner used the media as a tactic during the  
7 post-judgment litigation and that this had a negative impact on the Respondent.  
8

9 At the hearing, the Respondent also made several arguments directed at the  
10 Petitioner's arguments regarding the amount of attorney fees requested by the  
11 Respondent. The Respondent argued that in the Petitioner's expert's evidence  
12 regarding the appropriate amount of attorney fees in this case, the Petitioner's expert  
13 selected law firms as representatives of firms that charge reasonable fees that are not  
14 comparable to the fees charged by Sullivan & Cromwell. The Respondent argued that if  
15 firms like O'Melveny & Meyers or Gibson & Dunn were used as comparable firms, the  
16 amount of fees in the instant matter would in fact be higher than those requested by the  
17 Respondent. The Respondent further argued that many of the lawyers who represented  
18 the Petitioner in the post-judgment litigation, charged higher fees than those indicated  
19 as reasonable by the Petitioner's expert.  
20

21  
22 The Petitioner argued that in the Respondent's moving papers in this Request for  
23 Orders, he sought attorney fees under Paragraph 10.B of the Judgment and under  
24 Family Code §271. The Petitioner argued that the terms of the Judgment do not  
25

1 provide for attorney fees under Civil Code §1717 and that the arguments made by the  
2 Respondent at the hearing under Code of Civil Procedure §1021 are not made in the  
3 Respondent's moving papers and that he did not provide sufficient notice of this theory  
4 of recovery. The Petitioner further argued that the Petitioner's motion made under  
5 Family Code §2122, that serves as the basis for the Respondent's instant request, is  
6 not a matter based in a contract case and therefore the authorities relied on by the  
7 Respondent to support his request for the recovery of attorney fees are not applicable.  
8 The Petitioner noted in her arguments that *Santias v. Goodin* (2006) 17 Cal.4<sup>th</sup> 599 and  
9 *IRMO Kieturakis* (2006) 138 Cal.App.4<sup>th</sup> 56 support her position against Respondent's  
10 requests and that these cases support her argument to define an action under Family  
11 Code §2122 as a tort action.  
12

13  
14 The Petitioner further argued that the provisions of the Judgment dealing with the  
15 payment of attorney fees are contained in the part of the Judgment dealing with  
16 Releases. The Petitioner asserted that the parties' decision to place the fees language  
17 in this portion of the Judgment limited the parties' ability to recover fees under the  
18 Judgment. The Petitioner further argued that since her post-judgment request to set  
19 aside the Judgment was not made under Paragraph 10 of the Judgment, the  
20 Respondent could not recover fees under the Judgment with the instant request.  
21

22 The Petitioner argued that Family Code §271 is a sanction by nature, and that awarding  
23 attorney fees under this statute, is not compatible with the language in Paragraph 12.B  
24 of the parties' Judgment in this matter. The Petitioner further argued that the denial of  
25



1 the Petitioner's motion under Family Code §2122 and the associated post-judgment  
 2 Requests for Orders does not support the imposition of sanctions under Family Code  
 3 §271.

4  
 5 In this matter, the Petitioner requested an evidentiary hearing related to her Request for  
 6 Order and Motion to Set Aside the Judgment pursuant to Family Code §2122. Family  
 7 Code §217 affords litigants in Family Law cases to request evidentiary hearings in  
 8 matters brought under the provisions of the Family Code. The Petitioner's request was  
 9 granted and the evidentiary hearing was set and held pursuant to Family Code §217.  
 10 The Petitioner made an argument in the course of the hearing that the Respondent  
 11 should be prevented from recovery as he brought the instant action by way of a  
 12 Request for Order as opposed to a Motion or Order to Show Cause. In this regard, it  
 13 must be noted that as part of the *Elkins* reforms,<sup>1</sup> the Judicial Council mandatory forms  
 14

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15  
 16 <sup>1</sup> As part of the reforms under the Elkins Family Law Task Force, several statutory and rule changes have  
 17 occurred. The changes include the passage of Assembly Bill 939, which added Section 217 to the  
 California Family Code. This Statute provides:

18 "(a) At a hearing on any order to show cause or notice of motion brought pursuant to this code,  
 19 absent a stipulation of the parties or a finding of good cause pursuant to subdivision (b), the  
 court shall receive any live, competent testimony that is relevant and within the scope of the  
 hearing and the court may ask questions of the parties.

20 (b) In appropriate cases, a court may make a finding of good cause to refuse to receive live testimony  
 21 and shall state its reasons for the finding on the record or in writing. The Judicial Council shall, by January  
 1, 2012, adopt a statewide rule of court regarding the factors a court shall consider in making a finding of  
 good cause.

22 (c) A party seeking to present live testimony from witnesses other than the parties shall, prior to the  
 23 hearing, file and serve a witness list with a brief description of the anticipated testimony. If the witness list  
 is not served prior to the hearing, the court may, on request, grant a brief continuance and may make  
 appropriate temporary orders pending the continued hearing."

24  
 25 Additionally, California Rule of Court 5.92 was added. This Rule provides that "[i]n a family law  
 proceeding other than an action under the Domestic Violence Prevention Act or a local child  
 support agency action under the Family Code, a notice of motion or order to show cause must

1 were changed to provide reforms that improved access to the Family Law Courts. As  
2 part of this reform, the mandatory Judicial Council Form FL-300 was modified to replace  
3 requests for "Motions" and "Orders to Show Cause" with the term "Request for Order."  
4 The Petitioner's arguments in this regard do not take into account the revisions of law  
5 and process related to the *Elkins* reforms, therefore these arguments are not  
6 persuasive.

7  
8 The Respondent went on to argue that the amount of attorney fees requested by the  
9 Respondent in his Request for Order is not reasonable and that the burden of proof is  
10 on the Respondent to show that the requested fees are reasonable. With regard to the  
11 issues of the amount of attorney fees involved in the instant litigation, the Petitioner  
12 noted that the Respondent did not provide any expert testimony or evidence regarding  
13 the amount of attorney fees requested.

14  
15  
16 As indicated above, on January 30, 2014, the Respondent filed the instant Request for  
17 Order regarding attorney fees and costs pursuant to the parties' Stipulated Judgment  
18 entered on January 19, 2012 and pursuant to the provisions of Family Code §271.

19  
20  
21  
22 be filed on a *Request for Order* (form FL-300), unless another Judicial Council form has been  
23 adopted or approved for the specific motion or order to show cause." CRC Rule of Court 5.92  
24 changed the nomenclature associated with Family Law litigation, with replacement of the terms  
25 "Motion" and "Order to Show Cause" to "Request for Orders" with the revisions to the FL-300.



1 In his moving papers, the Respondent requests an order awarding him \$1,943,006.75 in  
2 attorney fees and costs actually incurred and paid by Respondent in defending against  
3 Petitioner's motion to set aside the Stipulated Judgment. In his moving papers, the  
4 Respondent argues that he is entitled to recover said fees and costs from Petitioner on  
5 two separate theories.

6 In her initial post-judgment Requests for Orders and Motions, which are the subject of  
7 the instant litigation, the Petitioner asserted two grounds to vacate the judgment based  
8 on two basic allegations relating to fraud: (1) that a document - the RSN document -  
9 was withheld from her and (2) that Respondent told her he would never sell the  
10 Dodgers.

11  
12 The Stipulated Judgment entered into by the parties contained carefully negotiated,  
13 express terms that are at issue in the Respondent's current requests. These terms in  
14 the Stipulated Judgment included Petitioner's acknowledgment that "the value of the  
15 Dodger Assets has been a contentious issue of dispute, with the parties offering values  
16 covering a broad range," and that she was "willing to enter into this Stipulated Judgment  
17 regardless of the value that the assets may ultimately have, without further discovery,  
18 and without an evidentiary hearing regarding the value of those assets." The Judgment  
19 included Petitioner's affirmative statement that she had "considered the risk of  
20 continued litigation and the costs thereof, and . . . decided that it is preferable to settle  
21 all issues rather than to be subjected to the uncertainties associated with continuing the  
22 litigation process." It included the acknowledgment that "she may hereafter discover  
23 facts in addition to or different from those which . . . she now knows or believes to be  
24  
25

1 true with respect to the subject matter of the release, but . . . intends to fully, finally, and  
2 forever settle and release any and all claims described above regardless of the  
3 subsequent discovery or existence of such different or additional facts."

4  
5 In her pleadings and testimony, the Petitioner argues that despite the provisions and  
6 terms of the Judgment, she thought she was receiving at least half of the value of all of  
7 the assets, including the Dodger Assets, and that because the Dodger Assets sold at  
8 auction for a price that was higher than she had expected, the Respondent had  
9 deceived her.

10  
11 The Petitioner argues that attorney fees and costs are not recoverable pursuant to the  
12 Respondent's Request for Order or under the Stipulated Judgment because Petitioner's  
13 motion was not an "action", and therefore, it did not trigger Civil Code §1717. The  
14 Petitioner submits that Civil Code §1717 only applies to an "action on a contract," and  
15 Section 10 of the Stipulated Judgment only applies to a "legal action." The Petitioner  
16 argues that her motion was not an action, but instead was a procedural step filed during  
17 litigation. The Petitioner argues that the legislative intent on this point is clear from the  
18 language of Family Code §2122. Each and every ground for relief under §2122 may be  
19 brought by way of "action" or "motion". The Petitioner submits that her motion is not an  
20 action on a contract, as there are no causes of action or claims on a contract. Rather,  
21 Petitioner's motion is sounded in tort on principals of promissory fraud.

22  
23  
24 The Petitioner further argues that sanctions should not be imposed under Family Code  
25 §271, because as evidenced by her testimony and declaration, Petitioner brought the



1 motion in good faith based on legitimate allegations of fraud and provided a significant  
2 amount of factual support for her claims. She further argues that at every turn, before  
3 there could be a hearing on the motion, Respondent engaged in aggressive and  
4 obstructive litigation tactics, creating unnecessary proceedings and increasing litigation  
5 costs for both parties. The Petitioner argues that contrary to Respondent's claims,  
6 Petitioner's motion did not mention the RSN documents, as she was unaware of its  
7 existence until after the motion was filed. The Petitioner argues that she never denied  
8 that the RSN document was produced in discovery.

9  
10 The Petitioner submits that Family Code §217 provides for an evidentiary hearing. As to  
11 the invocation of rights under §2122, a party would be deterred from requesting the  
12 hearing to which she is statutorily entitled if the result was that, if she ultimately lost the  
13 motion, she could be sanctioned for exercising that right. The Petitioner finally argues  
14 that even if Respondent was entitled to fees, the amount requested is not reasonable.

15  
16  
17 As indicated above, the Respondent now requests that the Court order the Petitioner to  
18 pay \$1,943,006.75 in fees and costs actually incurred and paid by the Respondent in  
19 defending against Petitioner's Motion to set aside the parties' Stipulated Judgment.

20 Section 10 of the Stipulated Judgment states, in pertinent part:

21           A. . . . The Court finds that Petitioner and Respondent each also hereby  
22 forever release, relinquish, renounce and waive any right or claim in and to any income  
23 hereafter accruing to or being earned from property which is received by or confirmed to  
24 either party under this Stipulated Judgment.  
25

1           B. In addition to resolving all of the issues which exist between the parties  
2 in the Dissolution Action, whether issues have been raised or have not been raised, it is  
3 the intent of the parties to resolve all potential issues which may exist between the  
4 parties, whether known or unknown, of any type whatsoever, arising from the beginning  
5 of time until the entry by the Court of this Stipulated Judgment, arising out of or relating  
6 to either party's actions, omissions, or assets, including corporations, companies,  
7 businesses, trusts and real properties, or otherwise. As part of this agreement, each of  
8 the parties does hereby now and forever release any and all claims of any type  
9 whatsoever, whether known or unknown, which he/she may have against the other  
10 party or against any of the other party's business or other property interests . . . arising  
11 from the beginning of time until the entry by the Court of this Stipulated Judgment. . . .  
12 This release includes an agreement that neither party shall hereafter institute any legal  
13 action against the other party or anyone else being released for any claim(s) being  
14 released herein, and if any such legal action is instituted, the filing party shall be solely  
15 and completely responsible for all fees and costs incurred by the party defending such  
16 legal action. (Exhibit B at 15:20-16:21.)

17 Civil Code §1644 provides that in the interpretation of contracts, words are to be  
18 understood in the usual sense. This statute provides that: "the words of a contract are to  
19 be understood in their ordinary and popular sense, rather than according to their strict  
20 legal meaning; unless used by the parties in a technical sense, or unless a special  
21 meaning is given to them by usage, in which case the latter must be followed." This  
22 means that in examining the provisions of a contract "if the meaning a layperson would  
23 ascribe to contract language is not ambiguous, we apply that meaning." *Beard v.*  
24 *Goodrich* (2003) 110 Cal. App. 4th 1031.  
25



1 "The primary object of all interpretation is to ascertain and carry out the intention of the  
2 parties. 'To interpret a contract is to ascertain the true intent of the contracting parties.' .  
3 . . . Intention is to be ascertained from a consideration of the language employed and the  
4 subject matter of the contract. Resort is first had to the contract itself; and if the intention  
5 is doubtful under the terms of the instrument, the surrounding circumstances may be  
6 considered to determine its meaning. The court will ascertain the relation of the parties  
7 to each other, and to the subject matter, and if possible, so construe the instrument,  
8 however inartificially drawn, as to give effect to the intention of the parties, if it can be  
9 done without disregarding the language of the instrument." *Bader v. Coale* (1941) 48  
10 Cal. App. 2d 276.  
11

12  
13 The Respondent argues that he has a right to recover the attorneys' fees because the  
14 Petitioner's Motion was an "action on a contract" under Civil Code §1717 and thus  
15 violated Section 10 of the Stipulated Judgment. The Petitioner argues, however, that the  
16 Respondent's fees are not recoverable because the Petitioner's motion was not an  
17 "action" under the Stipulated Judgment, but was a procedural step filed during litigation.  
18 The Petitioner further asserts that the Respondent's fees are not recoverable because  
19 §1717 does not apply to her motion to set aside a judgment.  
20

21  
22 In the case of *In re Marriage of Simundza* (2004) 121 Cal. App. 4th 1513, the court  
23 stated: "Marital settlement agreements incorporated into a dissolution judgment are  
24 construed under the statutory rules governing the interpretations of contracts generally.  
25

1 The basic goal of contract interpretation is to give effect to the parties' mutual intent at  
2 the time of contracting. When a contract is reduced to writing, the parties' intention is  
3 determined from the writing alone, if possible. The words of a contract are to be  
4 understood in their ordinary and popular sense." *In re Marriage of Simundza* (2004) 121  
5 Cal. App. 4th 1513, 1518.

6  
7 The evidence in this case shows that the Stipulated Judgment entered into by the  
8 parties and filed on January 19, 2012, was the result of intense negotiation by the  
9 parties with the assistance of able counsel and the advice of numerous subject matter  
10 experts. The language of the Stipulated Judgment makes it clear that the parties  
11 acknowledged that the Stipulated Judgment resulted from careful negotiation, indicated  
12 the areas of unresolved dispute and that they intended the Judgment to be an end to  
13 their ongoing litigation in this case.

14  
15  
16 The Stipulated Judgment contains several key terms relevant to the issues in the instant  
17 Requests for Orders. In Paragraph K of the Judgment, the parties agreed to the  
18 following:

19 *The parties acknowledge that the value of the assets at issue in this litigation have been*  
20 *a matter of dispute. In particular, the value of the Dodger assets has been a contentious*  
21 *issue of dispute, with the parties having offered values covering a broad range. The*  
22 *parties acknowledge that they are willing to enter into this Stipulated Judgment*  
23 *regardless of the value that the assets may ultimately have, without any further*  
24 *discovery, and without an evidentiary hearing regarding the value of those assets.*  
25



1 In Paragraph O of the Judgment, the parties agreed to the following:

2  
3 *It is the mutual wish and desire of both Petitioner and Respondent to immediately effect*  
4 *a full, complete and final settlement of all their respective property interests, future and*  
5 *present, and, except as otherwise set forth herein, to irrevocably adjust and determine*  
6 *forever all legal obligations of any nature which may exist with respect to one another*  
7 *and by reason of their marriage, and to fully and completely resolve any and all issues*  
8 *relating to spousal support, division of property, and attorneys' fees and costs.*  
9

10 In Paragraph 10.B of the Stipulated Judgment, the parties agreed to the following:

11 *In addition to resolving all of the issues which exist between the parties in the*  
12 *Dissolution Action, whether issues have been raised or not yet have been raised, it is*  
13 *the intent of the parties to resolve all potential issues which may exist between the*  
14 *parties, whether known or unknown, of any type whatsoever, arising from the beginning*  
15 *of time until the entry by the Court of this Stipulated Judgment, arising out of or related*  
16 *to either party's actions, omissions, or assets, including corporations, companies,*  
17 *businesses, trusts and real properties, or otherwise. As part of the making of this*  
18 *agreement, each of the parties does hereby now and forever release any and all claims*  
19 *of any type whatsoever, whether known or unknown, which he/she may have against*  
20 *the other party or against any of the other party's business or other property interests,*  
21 *including employees and agents of either party or of his/her businesses or properties,*  
22 *arising from the beginning of time until the entry by the Court of this Stipulated*  
23 *Judgment; provided, however, that the foregoing release shall not apply to (i) any*  
24  
25



1 obligations arising under the Binding Term Sheet or this Stipulated Judgment or (ii) any  
2 claims or rights against Bingham or its partners and employees or (iii) any duties or  
3 obligations expressly agreed to and imposed by this Stipulated Judgment. It is further  
4 provided, however, that notwithstanding anything else herein, there is no release of  
5 claims arising out of or related to any tax liability (including any tax, interest, or  
6 penalties) in connection with the parties' joint personal tax returns prior to 2004. This  
7 release includes an agreement between the parties that neither party shall hereafter  
8 institute any legal action against the other party or anyone else being released for any  
9 claim(s) being released herein, and if any such legal action is instituted, the filing party  
10 shall be solely and completely responsible for all fees and costs incurred by the party  
11 defending such legal action; provided however, that if an employee covered by the  
12 releases in this Paragraph 10.B hereafter files a lawsuit or asserts any type of claim in  
13 any forum against the releasing party for acts or omissions that allegedly occurred prior  
14 to the entry by the Court of this Stipulated Judgment, then notwithstanding the releases  
15 contained herein, that releasing party may file or assert any counterclaims against the  
16 released employee.  
17

18  
19 The evidence presented during the course of this litigation shows that the Petitioner is a  
20 sophisticated individual who has been involved in the subject business and in the  
21 litigation of this matter. Numerous lawyers, forensic accountants and experts have  
22 represented her during this matter. The evidence shows that the parties conducted  
23 vigorous litigation in this matter, especially regarding the subject of the valuation and  
24 disposition of the Dodger assets. The Petitioner acknowledged that she entered into the  
25

1 settlement voluntarily and free of coercion in the Binding Term Sheet, the Stipulated  
2 Judgment <sup>2</sup> and at a hearing, held before the Court on January 19, 2012, to enter the  
3 Stipulated Judgment.

4  
5 The language of the Stipulated Judgment makes it clear that the parties intended the  
6 Stipulated Judgment to be an end to the litigation in this matter, and that the terms of  
7 the Judgment were carefully considered and negotiated. The above described provision  
8 included in Paragraph 10.B of the Judgment does not contain a "prevailing party" term  
9 entitling the party who prevails in post-judgment litigation to recover attorney fees and  
10 costs, but goes farther to state that if any post-judgment legal action is filed, the filing  
11 party shall be solely and completely responsible for all fees and costs incurred by the  
12 party defending the post-judgment legal action.

13  
14  
15 In their ordinary and usual sense, the words "any legal action" are understood to mean  
16 any legal action taken, which would include, among other things, filing a motion to set  
17 aside the judgment. In the Stipulated Judgment, the parties did not further define or  
18 restrict the plain meaning of the term "any legal action."

19  
20 The Petitioner argues that attorney fees are not recoverable under the Stipulated  
21 Judgment because Civil Code §1717 only applies to an "action on a contract," not to a  
22 motion to set aside judgment. However, Civil Code §1717 is not necessary to enforce  
23

---

24 <sup>2</sup> The Stipulated Judgment entered on January 19, 2012 contains the following recital: "Each  
25 party has consented to the terms of this Stipulated Judgment voluntarily and free of coercion,  
duress or undue influence. Petitioner and Respondent have acknowledged that no presumption  
of undue influence by the other party is applicable to this Stipulated Judgment. (Exhibit 42, p.3)



1 the fee provision in the stipulated judgment. The fee provision in Section 10 is  
 2 enforceable under the terms of the Stipulated Judgment itself, which states, in section  
 3 12.C, that the Court retains jurisdiction "to make any and all further orders necessary to  
 4 enforce the provisions of this Stipulated Judgment and the implementation thereof." In  
 5 addition, Family Code §290 gives the court jurisdiction to make any order necessary to  
 6 enforce the Stipulated Judgment.<sup>3</sup>

7  
 8 Civil Code §1717 states, in pertinent part:

9 *"(a) In any action on a contract, where the contract specifically provides that attorney's*  
 10 *fees and costs, which are incurred to enforce that contract, shall be awarded either to*  
 11 *one of the parties or to the prevailing party, then the party who is determined to be the*  
 12 *party prevailing on the contract, whether he or she is the party specified in the contract*  
 13 *or not, shall be entitled to reasonable attorney's fees in addition to other costs.*

14 *Where a contract provides for attorney's fees, as set forth above, that provision shall be*  
 15 *construed as applying to the entire contract, unless each party was represented by*  
 16 *counsel in the negotiation and execution of the contract, and the fact of that*  
 17 *representation is specified in the contract.*

18 *Reasonable attorney's fees shall be fixed by the court, and shall be an element of the*  
 19 *costs of suit."* Civil Code §1717(a)  
 20  
 21  
 22

---

23 <sup>3</sup> Family Code §290 provides: "A judgment or order made or entered pursuant to this code  
 24 maybe enforced by the court by execution, the appointment of a receiver, or contempt, or by  
 25 any other order as the court in its discretion determines from time to time to be necessary."

1 In *In re Marriage of Sherman* (1984) 162 Cal.App.3d 1132, the wife brought an Order to  
2 Show Cause regarding contempt and for attorney's fees and costs on the ground that  
3 the husband failed to pay spousal support pursuant to the parties' MSA and judgment  
4 thereon. Thereafter, the husband brought an Order to Show Cause to terminate spousal  
5 support based on the fact that the wife had remarried.

6  
7 The trial court denied the husband's Order to Show Cause to terminate support. The  
8 trial court reasoned that spousal support did not terminate upon remarriage as a matter  
9 of law, since the MSA provided for non-modifiable spousal support that would continue  
10 until the death of the wife. The trial court also granted the wife's request for attorney  
11 fees and costs pursuant to the MSA, since the husband did not prevail on his Order to  
12 Show Cause. The MSA stated: "In the event that either party shall be required to bring  
13 any action or proceeding to enforce any provision contained in this Agreement, or to  
14 enforce any judgment or order made by a court in connection with this Agreement, the  
15 party prevailing in such action or proceeding shall be entitled to recover reasonable  
16 attorney's fees and costs...."(Id. at 1136.)  
17

18  
19 On appeal, Civil Code §1717 was cited by the court, which upheld an order of attorney  
20 fees, incurred in defending an Order to Show Cause to terminate spousal support,  
21 which were awarded pursuant to the fee provision in a marital dissolution judgment.

22 Regarding support, the court reasoned, "we are satisfied from a review of the four  
23 corners of the agreement, and more particularly from the provisions quoted above, that  
24  
25



1 the parties intended Wife's support payments to continue in spite of the fact of her  
2 remarriage." (*Id.* at 1137-1138.)

3  
4 Regarding fees, the court reasoned: "The same is true concerning Husband's appeal  
5 from the order granting Wife's attorney's fees, since those fees under the circumstances  
6 here present constitute "an element of the costs of suit" (Civ. Code, § 1717, subd. (a)).  
7 Nor is the fees order otherwise subject to reversal on the ground Husband was not  
8 allowed to introduce evidence respecting his ability to pay the sum found due, since the  
9 order emanated from the contractual relationship of the parties and not from their  
10 relationship under the Family Law Act or because the sum awarded was excessive,  
11 since substantial evidence was present to support the trial court's determination."  
12 *Sherman, supra*, 162 Cal.App.3d 1132, 1140.

13  
14  
15 In *Santias v. Goodin* (1998) 951 P.2d 399, 401 the purchasers of a home brought  
16 claims against the sellers, seeking damages for various alleged defects in the home.  
17 The plaintiff purchasers then voluntarily dismissed their complaint and the defendant  
18 sellers filed a claim that sought payment of attorney fees as costs in defending against  
19 the plaintiffs' claims. *Id.* at 402. The real estate contract contained a provision entitling  
20 the "prevailing party," of an action brought, to attorney fees. *Id.*

21 The Court in *Santias* stated that, "The primary purpose of section 1717 is to ensure  
22 mutuality of remedy for attorney claims under contractual attorney fee provisions." *Id.* at  
23 406. The court recognized two distinct situations where §1717 has an effect. *Id.* The first  
24 situation, "in which section 1717 makes an otherwise unilateral right reciprocal, thereby  
25

1 ensuring mutuality of remedy, is 'when the contract provides the right to one party but  
2 not to the other.'" *Id.* (quoting *Int'l Indus., Inc. v. Olen* (1978) 577 P.2d 1031, 1033). The  
3 second situation, "in which section 1717 makes an otherwise unilateral right reciprocal,  
4 thereby ensuring mutuality of remedy, is when a person sued on a contract containing a  
5 provision for attorney fees to the prevailing party defends the litigation 'by successfully  
6 arguing the inapplicability, invalidity, unenforceability, or nonexistence of the same  
7 contract.'" *Santias* 951 P.2d at 406 (quoting *North Associates v. Bell* (1986) 184 Cal.  
8 App. 3d 860, 865). The Court in *Santias* determined that §1717 was needed to enforce  
9 the contractual attorney fee provision in the real estate contract and ensure mutuality of  
10 remedy because it was a "unilateral attorney fee provision" authorizing recovery of  
11 attorney fees by a "prevailing party." *Santias* 951 P.2d at 409.

12  
13 The fee provision of the Stipulated Judgment in this case does not fall under either of  
14 the two situations noted in *Santias*. As stated in *Santias*, the purpose of Civil Code  
15 §1717 is to ensure mutuality of remedy for attorney fees when the contract either  
16 provides the right to one party but not to the other or when the defending party defends  
17 the litigation by arguing inapplicability or nonexistence of the same contract.

18  
19  
20 Neither of those situations exist here. The fee provision in the parties' Stipulated  
21 Judgment states that if either party brings a legal action against the other party, the  
22 filing party is responsible for all of the attorney fees incurred by the defending party.  
23 Unlike the parties in *Santias*, both parties in this agreement were given the right to  
24 recover their attorney fees in case the other brought an action. One party was not given  
25 the right to attorney fees over the other and the Respondent is not arguing



1 inapplicability or nonexistence of the contract. The purpose of Civil Code §1717 is to  
2 ensure mutuality and reciprocity of remedy for attorney fees. The fee provision in the  
3 Stipulated Judgment already ensures mutuality of remedy for attorney fees.  
4

5 In her arguments the Petitioner cites to Family Code §2122, which states:

6 *The grounds and time limits for a motion to set aside a judgment, or any part or parts*  
7 *thereof, are governed by this section and shall be one of the following:*

8 *(a) Actual fraud where the defrauded party was kept in ignorance or in some other*  
9 *manner was fraudulently prevented from fully participating in the proceeding. An action*  
10 *or motion based on fraud shall be brought within one year after the date on which the*  
11 *complaining party either did discover, or should have discovered, the fraud.*

12 *(b) Perjury. An action or motion based on perjury in the preliminary or final declaration*  
13 *of disclosure, the waiver of the final declaration of disclosure, or in the current income*  
14 *and expense statement shall be brought within one year after the date on which the*  
15 *complaining party either did discover, or should have discovered, the perjury.*

16 *(c) Duress. An action or motion based upon duress shall be brought within two years*  
17 *after the date of entry of judgment.*

18 *(d) Mental incapacity. An action or motion based on mental incapacity shall be brought*  
19 *within two years after the date of entry of judgment.*

20 *(e) As to stipulated or uncontested judgments or that part of a judgment stipulated to by*  
21 *the parties, mistake, either mutual or unilateral, whether mistake of law or mistake of*  
22 *fact. An action or motion based on mistake shall be brought within one year after the*  
23 *date of entry of judgment.*  
24  
25



1 *(f) Failure to comply with the disclosure requirements of Chapter 9 (commencing with*  
 2 *Section 2100). An action or motion based on failure to comply with the disclosure*  
 3 *requirements shall be brought within one year after the date on which the complaining*  
 4 *party either discovered, or should have discovered, the failure to comply. Fam. Code*  
 5 *§2122.*

6 Despite Petitioner's arguments regarding the nature of the underlying post-judgment  
 7 litigation, regardless of whether a spouse files a motion or any other action under Family  
 8 Code §2122, no "tort action" or "tort remedy" lies, and "The remedy under the statutory  
 9 scheme is a traditional setting aside of the judgment." *Rubenstein v. Rubenstein* (2000)  
 10 81 Cal.App.4th 1131, 1146-1148.

11  
 12 In this matter, the Petitioner filed a motion to set aside the judgment on the grounds that  
 13 she entered into the settlement agreement based upon Respondent's fraud, perjury,  
 14 non-disclosure and undue influence, as well as through mistake. As set forth in the  
 15 portion of Section 10 of the stipulated judgment quoted above, Petitioner released such  
 16 claims against Respondent. Accordingly and by the terms of the parties' Stipulated  
 17 Judgment, by instituting legal action for such claims, Petitioner is responsible for all fees  
 18 and costs incurred by Respondent in defending such legal action.  
 19  
 20

21 In his Request for Orders, the Respondent has requested attorney fees and costs  
 22 pursuant to Family Code §271. This statute provides the following:

23 *(a) Notwithstanding any other provision of this code, the court may base an award of*  
 24 *attorney's fees and costs on the extent to which the conduct of each party or attorney*  
 25 *furtheres or frustrates the policy of the law to promote settlement of litigation and, where*

possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction. In making an award pursuant to this section, the court shall take into consideration all evidence concerning the parties' incomes, assets, and liabilities. The court shall not impose a sanction pursuant to this section that imposes an unreasonable financial burden on the party against whom the sanction is imposed. In order to obtain an award under this section, the party requesting an award of attorney's fees and costs is not required to demonstrate any financial need for the award.

(b) An award of attorney's fees and costs as a sanction pursuant to this section shall be imposed only after notice to the party against whom the sanction is proposed to be imposed and opportunity for that party to be heard.

(c) An award of attorney's fees and costs as a sanction pursuant to this section is payable only from the property or income of the party against whom the sanction is imposed, except that the award may be against the sanctioned party's share of the community property.

The Family Code permits an award of fees in the nature of a sanction. An award of fees under Family Code §271 is without regard to need for fees on the part of the recipient. Section 271 Sanctions are only awarded against a party, not against his or her attorney. *In Re Marriage of Daniels* (1993) 19 Cal. App. 4<sup>th</sup> 1102 specifically prohibits Section 271 Sanctions against a lawyer, although the client can be ordered to pay fees based on the lawyer's conduct. The threshold for an award of Section 271 Sanctions is whether the



1 sanctioned party (or counsel) has engaged in conduct that frustrates settlement or  
2 increases litigation. An award of Section 271 Sanctions must not impose an  
3 unreasonable financial burden. *See: Marriage of Norton* (1988) 206 Cal. App. 3d 53.

4  
5 The law provides that certain conduct during the course of the litigation can merit the  
6 imposition of Section 271 Sanctions. This conduct includes: Dishonest or Conflicting  
7 Testimony. If a party lies to the Court, the court can assess fees based on this  
8 dishonest testimony. *See: Marriage of Frick* (1986) 181 Cal. App. 3d 997. Likewise,  
9 conflicting testimony may justify a portion of the fees awarded by the Court. *See:*  
10 *Marriage of Kozen* (1986) 185 Cal. App. 3d 1258; Failure to Deliver or Return  
11 Documents. A deliberate failure to return agreed upon documents such as a stipulation  
12 can form the basis for Section 271 Sanctions. *See: Marriage of Melone* (1987) 193 Cal.  
13 App. 3d 757; Failure to Cooperate With Intent to Harass. Where a party unreasonably  
14 fails to cooperate or consistently attempts to frustrate the policy of the law with a  
15 discernable intent to harass the other party, this conduct can serve as the basis for  
16 Section 271 Sanctions. *See: Marriage of Norton, supra and Marriage of Green (Green*  
17 *II)* (1989) 213 Cal. App. 3d 14; Excessive Settlement Demands. Where a party makes  
18 excessive settlement demands, Section 271 Sanctions may be appropriate. *See:*  
19 *Marriage of Abrams* (2003) 105 Cal. App. 4<sup>th</sup> 979. Excessive settlement demands  
20 typically involve a position so devoid of merit as to require a sanction. Use of strong-arm  
21 tactics to gain an advantage or linking issues such as custody and child support are  
22 common examples of conduct justifying the imposition of sanctions under Family Code  
23 §271.  
24  
25

1 The Court has considered the evidence submitted by the parties with regard to their  
2 financial condition as described in *In re Marriage of Falcone & Fyke* (2008) 164 Cal.  
3 App. 4th 814. The Court finds that the Respondent's requests for attorney fees were  
4 properly noticed and brought in the trial court as described in *Bardales v. Duarte*  
5 (2010)181 Cal. App. 4th 1262.  
6

7  
8 The basis for an award of attorney fees under Family Code §271 was discussed in *In re*  
9 *Marriage of Tharp* (2010) 188 Cal. App. 4th 1295. In *Tharp*, the Court said: "[a]ttorney  
10 fees are proper where a spouse engages in conduct that frustrates a settlement and  
11 increases the cost of litigation. While attorney fees and costs imposed under section  
12 271 are in the nature of a sanction, the requisite wrongs are limited. Section 271 does  
13 not require that the sanctioned conduct be frivolous or taken solely for the purpose of  
14 delay. Rather, the statute is aimed at conduct that frustrates settlement of family law  
15 litigation. Expressed another way, section 271 vests family law courts with an additional  
16 means with which to enforce this state's public policy of promoting settlement of family  
17 law litigation, while reducing its costs through mutual cooperation of clients and their  
18 counsel. Thus, a party who individually, or by counsel, engages in conduct frustrating or  
19 obstructing the public policy is thereby exposed to liability for the adverse party's costs  
20 and attorney fees such conduct generates." *In re Marriage of Tharp* (2010) 188 Cal.  
21 App. 4th 1295, 1318.  
22

23  
24 The Court in *Tharp* went on to say: "Somewhere along the line, litigation must cease."  
25



1 The Court then discussed the party's conduct: "[Husband] has yet to absorb this  
2 message because the family court throughout this case failed to sanction his conduct  
3 appropriately. A family law litigant who engages in conduct that increases litigation costs  
4 is subject to the imposition of attorney fees and costs as a sanction and it was an abuse  
5 of discretion for the family court to refuse to impose those sanctions on [Husband]." *In*  
6 *re Marriage of Tharp* (2010) 188 Cal. App. 4th 1295, 1318.

7  
8 In this matter, the parties engaged in protracted and vigorous litigation. The nature of  
9 issues in the case and the assets involved in the litigation in the matter contributed to  
10 the length of the litigation and nature of the interaction between counsel. Throughout the  
11 case and the instant hearing, despite their mutual arguments otherwise, the lawyers  
12 involved in this matter, treated each other, the parties and the Court with dignity and  
13 respect. It is clear that in their Stipulated Judgment, the parties showed a very clear  
14 intent to have the litigation in this matter cease. The Stipulated Judgment also provided  
15 for certain and clear consequences for the party or parties who sought to further the  
16 litigation in this matter.  
17

18  
19 The fact that the Petitioner sought an evidentiary hearing in this matter pursuant to  
20 Family Code §217, does not serve as the basis for the imposition of sanctions under  
21 Family Code §271. Recent changes to the family code and the addition of Family Code  
22 §217 indicates the legislative intent to allow litigants to request evidentiary hearings in  
23 certain matters under the conditions provided for in the Code. Additionally, the nature of  
24 the request in the underlying post-judgment action, a request pursuant to Family Code  
25

1 §2122, is in accordance with the kind of relief a family law litigant may request in a  
2 dissolution action.

3  
4 The more challenging aspect of the Respondent's request for attorney fees pursuant to  
5 Family Code §271, comes in the fact that the Petitioner filed the post-judgment request  
6 in spite of the Stipulated Judgment which clearly was written to spare both of the parties  
7 further litigation. Additionally, the Respondent argues that Family Code §271 sanctions  
8 should be imposed based on the findings made by the Court with regard to the  
9 credibility of the Petitioner's testimony in the underlying post-judgment legal actions filed  
10 by the Petitioner.

11  
12 In this matter, the Court has considered the aspects of the parties' conduct with regard  
13 to the post-judgment litigation, as the Respondent argues, the Stipulated Judgment was  
14 clearly written in an effort by both of the parties to discourage the type of post-judgment  
15 litigation brought by the Petitioner and subject to the instant request. However, the  
16 Family Code provides litigants with a statutory framework to address the concerns at  
17 the heart of the Petitioner's motion to set aside the Judgment. The parties' agreement is  
18 very clear as to the responsibilities of the party filing such litigation.

19  
20  
21 The Court has also considered the discussion in *In re Marriage of Frick* (1986) 181  
22 Cal.App.3d 997, regarding the consequences to a party under Family Code §271 for  
23 giving inconsistent or untrue testimony in a family law matter. In this case the Court  
24 found credibility issues in the Petitioner's testimony in the evidentiary hearing held in  
25



1 connection with her post-judgment filings. The Court notes that the parties did in fact  
2 work together and find a stipulated resolution to the dissolution matter.

3  
4 Courts in dissolution cases are called upon to make credibility findings in many, if not  
5 most of the cases brought to trial. In this matter, especially in light of the parties'  
6 stipulated terms regarding attorney fees, these concerns do not merit the imposition of  
7 sanctions pursuant to Family Code §271.

8  
9 The Respondent has submitted evidence that shows that during the course of the post-  
10 judgment litigation in this matter, counsel represented him from Sullivan & Cromwell  
11 LLP, Susman Godfrey LLP, and one Trope & Trope LLP. These are the same law firms  
12 that represented the Respondent during the entire course of this case. In the instant  
13 Request for Orders, the Respondent requests that the Court order the Petitioner to pay  
14 \$1,943,006.75 in fees and costs actually incurred and paid by the Respondent in  
15 defending against Petitioner's Motion to set aside the parties' Stipulated Judgment and  
16 related Requests for Orders.  
17

18  
19 The evidence submitted by the Respondent shows that from September 2012 to  
20 December 2013, partners and associates at Sullivan and Cromwell LLP billed the  
21 Respondent at various hourly rates. Mr. Sacks, a partner with 30 plus years of legal  
22 experience, billed at an hourly rate of \$1,330 and \$1,390, respectively, and billed the  
23 Respondent a total of \$413,060; Mr. Paris, a partner with 17 years of experience, billed  
24 at an hourly rate of \$850 and billed the Respondent a total of \$461,550; Mr. Höberg,  
25



1 an associate with 8 years of experience, billed at an hourly rate of \$850 and \$875,  
2 respectively, and billed the Respondent a total of \$416,293.75; Mr. Wang, an associate  
3 with 2 years of experience, billed the Respondent at an hourly rate of \$430 and billed  
4 the Respondent a total of \$189,848.75; and Mr. Niemi, an associate with 2 years of  
5 experience, billed at an hourly rate of \$430 and \$445 and billed the Respondent a total  
6 of \$153,640.

7  
8 Along with attorneys at Sullivan, partners and associates at Susman Godfrey LLP billed  
9 the Respondent at various hourly rates from September 2012 to December 2013. Mr.  
10 Seltzer, a partner with 40 plus years of legal experience, billed at an hourly rate of \$850  
11 and billed the Respondent a total of \$14,688; Mr. Talge, an associate with 2 years of  
12 experience, billed at an hourly rate of \$300 and billed the Respondent a total of \$6,090;  
13 and Mr. Berry, a partner with 7 years of experience, billed at an hourly rate of \$425 and  
14 \$475, respectively, and billed the Respondent a total of \$107,142.50.

15  
16  
17 Partners and associates at Trope & Trope LLP also billed the Respondent at various  
18 hourly rates from September 2012 to December 2013. Mr. Trope, a partner with 60 plus  
19 years of legal experience, billed at an hourly rate of \$875 and billed the Respondent a  
20 total of \$42,850; Ms. Kiley, a partner with 24 years of experience, billed at an hourly rate  
21 of \$675 and \$700, respectively, and billed the Respondent a total of \$60,051; Mr.  
22 Durant, a partner with 22 years of experience, billed at an hourly rate of \$575 and billed  
23 the Respondent a total of \$8,126.25; and Mr. Dunlap, a partner with 40 years of  
24  
25

1 experience, billed at an hourly rate of \$675 and \$700, respectively, and billed the  
2 Respondent a total of \$13,888.75.

3  
4 The Petitioner submitted the Declaration of John Steele, an attorney and expert in the  
5 field of legal ethics and the law governing lawyers, whom reviewed the Respondent's  
6 motion for attorneys' fees and costs and offered his expert opinion about the market  
7 value of the work identified in the motion. Based on his experience and upon review of  
8 survey data, Mr. Steele concluded that the proposed billing rates and the distribution of  
9 the work yielded an amount of requested fees that are above the prevailing market  
10 rates.

11  
12 The Petitioner's expert concluded that all of the attorneys at Sullivan and Cromwell LLP  
13 sought rates above what the surveys suggest are the market rates for similar work by  
14 similar large firms in that geographical region. Mr. Sacks billed the Respondent at an  
15 hourly rate of \$1,330 and \$1,390, respectively, but his reasonable hourly rate for the  
16 work performed was \$665; Mr. Paris billed at an hourly rate of \$850, but his reasonable  
17 hourly rate for the work performed was \$665; Mr. Högberg billed at an hourly rate of  
18 \$850 and \$875, respectively, but his reasonable hourly rate for the work performed was  
19 \$535-\$750; Ms. Wang billed at an hourly rate of \$430, but her reasonable hourly rate for  
20 the work performed was \$272-\$350; and Mr. Niemi billed at an hourly rate of \$430 and  
21 \$445, but his reasonable hourly rate for the work performed was \$275-\$350.  
22  
23  
24  
25



1 Similarly, the Petitioner's expert concluded that two of the attorneys at Susman Godfrey  
2 LLP sought rates above what the surveys suggest are the market rates for similar work  
3 by similar large firms in that geographical area. Mr. Seltzer billed at an hourly rate of  
4 \$765, though his reasonable hourly rate for the work performed was \$665, and Mr.  
5 Talge billed at an hourly rate of \$300, while his reasonable hourly rate for the work  
6 performed was \$275-\$350. The Petitioner's expert determined, however, that Mr. Berry  
7 billed a reasonable rate of \$425 and \$475, respectively.  
8

9 Mr. Steele argued that although the attorneys at Trope and Trope LLP sought rates  
10 above what the surveys suggest are the market rates for similar work by similar small-  
11 mid-sized firms in that geographical region, the Petitioner's expert concluded that the  
12 hourly rates charged by attorneys at Trope and Trope LLP were reasonable, given their  
13 particular experience in sophisticated matrimonial disputes. The Petitioner further  
14 argued that the attorney fees and costs requested by the Respondent were  
15 unreasonable because the Respondent's counsel engaged in "block billing."  
16  
17

18 During the course of the hearing, the Respondent argued that Mr. Steele's opinion did  
19 not compare comparable law firms to the firms involved in the Respondent's case. The  
20 Respondent further argued that if comparable law firms were used, the attorney fees  
21 quoted by Mr. Steele as being appropriate and reasonable would be higher than those  
22 requested by the Respondent. The Respondent further noted and argued that in her  
23 evidence and Mr. Steele's opinion, they did not consider or compare the attorney fees  
24 incurred by the Petitioner in this litigation.  
25

1  
2 In Family Law, if the circumstances indicate that there is a need for the award of  
3 attorney fees and an ability to pay the fees, the court then considers the  
4 reasonableness of the fees, including the results achieved and the manner in which  
5 they were achieved. *In re Marriage of Keech* (1999) 75 Cal. App. 4th 860, 867-869.  
6 Services which have no apparent effect other than to prolong and to complicate  
7 domestic litigation cannot be deemed "reasonably necessary" and may properly be  
8 disregarded in determining whether and in what amount to order one party to contribute  
9 to the cost of the other's representation. *See: Marriage of Behrens* (1982) 137 Cal. App.  
10 3d 562, 576. Here, there was very complex litigation. The matter involved proceedings  
11 in several different jurisdictions and forums and the case involved a voluminous amount  
12 of evidence and issues that touched several different disciplines of the law.  
13

14  
15 It must be noted that the parties' Stipulated Judgment contains several references to  
16 attorney fees. Paragraph 12.B of the Stipulated Judgment provides: "Except as  
17 otherwise specifically provided in this Stipulated Judgment, should either party fail to  
18 perform any obligation under this Stipulated Judgment, and it should therefore become  
19 necessary for either party to employ counsel to enforce the terms of this Stipulated  
20 Judgment, or any instrument to be executed pursuant to this Stipulated Judgment, the  
21 Court shall have jurisdiction pursuant to the provisions of Family Code Section 2030, et  
22 seq. and Family Code 270 to make an award of attorneys' fees and connection with  
23 such proceeding."  
24  
25



1 In addition to this provision, which incorporates the manner and limitations for the award  
2 of attorney fees in a Family Law matter, the parties included Paragraph 10.B in the  
3 Stipulated Judgment.

4  
5 As indicated above, this provision of the Stipulated Judgment provides that: "This  
6 release includes an agreement that neither party shall hereafter institute any legal  
7 action against the other party or anyone else being released for any claim(s) being  
8 released herein, and if any such legal action is instituted, the filing party shall be solely  
9 and completely responsible for all fees and costs incurred by the party defending such  
10 legal action."

11  
12 The Court has considered the evidence, arguments of counsel and the testimony  
13 presented in this matter. Pursuant to terms of the Stipulated Judgment in this matter  
14 filed on January 19, 2012, the Petitioner is ordered to pay the Respondent attorney fees  
15 and costs. The Court has considered the terms of the Stipulated Judgment as indicted  
16 above, the evidence and arguments of counsel regarding the issue of attorney fees.

17  
18 Under the terms of the Stipulated Judgment and pursuant to the Stipulated Judgment,  
19 the Courts finds that the attorney fees requested by the Respondent are reasonable.

20 The nature of the litigation and the extent of the attorney fees were, in many ways,  
21 reflective of the Petitioner's litigation tactics. The Petitioner did not limit or in a timely  
22 manner indicate which witnesses or exhibits she was going to present at trial. This  
23 tactical choice may have presented some litigation advantages to the Petitioner, but it  
24 also drove up the costs of the litigation. The attorneys representing the Respondent  
25



1 were those who have represented him throughout this matter. Based on the evidence  
2 presented, the Respondent's Requests for Order for attorney fees and costs pursuant to  
3 the terms of the Stipulated Judgment are granted and the Petitioner is ordered to pay  
4 the Respondent attorney fees and costs in the amount of \$1,943,006.75. As discussed  
5 above, the Respondent's request for attorney fees and sanctions under Family Code  
6 §271 is denied.

7  
8 To the extent that the Court has not explicitly ruled on any other issue or request made  
9 by either party, any joined party or any claimant in the instant proceedings, those  
10 requests are denied.

11  
12 Pursuant to California Rules of Court Rule 3.1590, this is the tentative decision of the  
13 Court. The tentative decision does not constitute a judgment and is not binding on the  
14 court. Any party affected by the judgment may, within 15 days after the proposed  
15 statement of decision has been served, serve and file objections to the proposed  
16 statement of decision or judgment.  
17

18  
19 The court will, within 10 days after expiration of the time for filing objections to the  
20 proposed judgment or, if a hearing is held, within 10 days after the hearing, sign and file  
21 its judgment. The judgment so filed constitutes the decision on which judgment is to be  
22 entered under Code of Civil Procedure §664.  
23  
24  
25

1 The Respondent is ordered to prepare and file a judgment in accordance with the above  
2 Statement of Decision at the end expiration of the period described above unless  
3 otherwise ordered.

4  
5 Dated: June 24, 2014



Scott M. Gordon,  
Judge of the Superior Court

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**Philip Gregory**  
840 Malcolm Road  
Burlingame, California 94010

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Stanley Mosk Courthouse  
111 North Hill Street  
Los Angeles, California 90012

Branch Name: Central

Case Name: **JAMIE MC COURT VS FRANK MC  
COURT**

Case Number: **BD514309**

**FILED**  
Superior Court of California  
County of Los Angeles

JUN 24 2014

Sherri R. Carter, Executive Officer/Clerk  
By M. Arnold, Deputy  
Mary Arnold

**CLERK'S CERTIFICATE OF MAILING  
NOTICE OF ENTRY OF ORDER/COPY OF FILED DOCUMENT**

I, **SHERRI R. CARTER**, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served:

☒ The document entitled COURT'S RULING ON SUBMITTED MATTERS - TAKEN UNDER SUBMISSION ON APRIL 7, 2014, filed herein.

I, **SHERRI R. CARTER**, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the **COURT'S RULING ON SUBMITTED MATTERS - TAKEN UNDER SUBMISSION ON APRIL 7, 2014** upon each party or counsel named above by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown above with the postage thereon fully prepaid, in accordance with standard court practices.

SHERRI R. CARTER, Executive Officer/Clerk

Date: June 24, 2014By: 

M. ARNOLD, Deputy Clerk



**Sorrell Trope**

12121 Wilshire Blvd. Suite 801  
Los Angeles, California 90025

**FILED**  
Superior Court of California  
County of Los Angeles

JUN 24 2014

Sherri R. Carter, Executive Officer/Clerk

By M. Arnold, Deputy  
Mary Arnold

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Stanley Mosk Courthouse  
111 North Hill Street  
Los Angeles, California 90012

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**SHERRI R. CARTER**, Executive Officer/Clerk

By: 

M. ARNOLD, Deputy Clerk

Date: June 24, 2014